

I Mina'trentai Singko Na Liheslaturan Guåhan
APPOINTMENTS

DOCUMENT NO.	APPOINTEE	POSITION	AGENCY	APPT. DATE	TERM LENGTH	CMTE REFERRED	DATE REFERRED	PUBLIC HEARING DATE	CMTE REPORT FILED	DATE CONFIRMED	NOTES
35GL-20-2054	Ronald F. Eclavea	Member	Guam Ancestral Lands Commission	7/24/20	Four (4) Years; March 27, 2020 to March 26, 2024	Committee on Health, Tourism, Historic Preservation, Land, and Justice	7/29/20	8/7/20 1:00 p.m.	10/8/20 4:46 p.m.		



SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice
I Mina'trentai Singko na Liheslaturan Guåhan
35th Guam Legislature

October 5, 2020

The Honorable Tina Rose Muña Barnes

Speaker

I Mina'trentai Singko na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña Guam, 96910

VIA: The Honorable Régine Biscoe Lee *RBA*
Chairperson, Committee on Rules

RE: Committee Report on the Appointment of Ronald F. Eclavea to serve as a Member of the Guam Ancestral Lands Commission

Håfa Adai Speaker Barnes:

Transmitted herewith is the Committee Report on the **Executive Appointment of Ronald F. Eclavea** to serve as a *Member of the Guam Ancestral Lands Commission*, and which was referred to the Committee on Health, Tourism, Historic Preservation, Land and Justice.

Committee votes are as follows:

<u> 4 </u>	TO CONFIRM
<u> 0 </u>	TO NOT CONFIRM
<u> 1 </u>	TO REPORT OUT ONLY
<u> 0 </u>	TO ABSTAIN
<u> 0 </u>	TO PLACE IN INACTIVE FILE

**COMMITTEE ON RULES
RECEIVED:**

October 5, 2020
9:50 A.M.

Stephanie Joenzo

Sincerely,

Therese M. Terlaje
Therese M. Terlaje

Revisions Rec'd:
October 7, 2020 @ 6:08 P.M.



SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina' trentai Singko na Libeslaturan Guåhan

35th Guam Legislature

COMMITTEE REPORT

Nomination of Ronald F. Eclavea

To Serve as a Member of
the Guam Ancestral Lands Commission
for a term length of four (4) years;
March 27, 2020 to March 26, 2024

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com



SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice
I Mina' trentai Singko na Libeslaturan Guåhan
35th Guam Legislature

October 5, 2020

MEMORANDUM

To: All Members
Committee on Health, Tourism, Historic Preservation, Land and Justice

From: Senator Therese M. Terlaje ^{Tmt}
Committee Chairperson

Subject: Committee Report on the Appointment of Ronald F. Eclavea

Transmitted herewith for your consideration is the Committee Report on the appointment of **Ronald F. Eclavea** to serve as a *Member of the Guam Ancestral Lands Commission*.

This report includes the following:

- Copy of COR Referral of the Appointment
- Copy of the Appointment Letter to the Speaker
- Copy of the Appointment Packet & Supporting Documents
- Notices of Public Hearing & Other Correspondence
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimonies & Supporting Documents
- Committee Report Digest
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!

Senator Régine Biscoe Lee,
Chair

Senator Amanda L. Shelton,
Vice Chair

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), PhD,
Member

Senator Sabina Flores Perez,
Member



COMMITTEE ON RULES
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

July 29, 2020

Senator Clynton E. Ridgell,
Member

Senator Joe S. San Agustin,
Member

Senator Jose "Pedro" Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and Chair, Subcommittee on Protocol

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

From: **Senator Régine Biscoe Lee**
Chair, Committee on Rules

Re: **Referral of Appointment**

Buenas yan Håfa adai.

As Chair of the Committee on Rules, I am forwarding the referral of the following appointment:

Appointee: **Ronald F. Eclavea**

Position: **Member, Guam Ancestral Lands Commission**

The appointee's nomination packet may be referenced in the Guam Legislature's website at <http://guamlegislature.com/index/messages-and-communications/>. Please refer to the follow document:

"35GL-20-2054 - Office of the Governor of Guam - Appointment and Supporting Documents for Ronald F. Eclavea, Member, Guam Ancestral Lands Commission."

Please ensure that the aforementioned appointment is referred to the **Committee on Health, Tourism, Historic Preservation, Land and Justice, chaired by Senator Therese M. Terlaje.**

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Régine Biscoe Lee".

Senator Régine Biscoe Lee
Chair, Committee on Rules

I Mina'trentai Singko Na Lihestaturan Guahan
APPOINTMENTS

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clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Tuesday, July 28, 2020 3:09 PM
To: Clerks Office
Cc: Rennae Meno
Subject: Messages and Communications
Attachments: Appointment for Ronald F. Eclavea.pdf; Appointment for Anita F. Orino.pdf

07-28-20	1:19 PM	07-24-20	Appointment and Supporting Documents for Ronald F. Eclavea, Member, Guam Ancestral Lands Commission.	Office of the Governor of Guam	35GL-20-2054
07-28-20	1:19 PM	07-24-20	Appointment and Supporting Documents for Anita F. Orino, Member, Guam Ancestral Lands Commission.	Office of the Governor of Guam	35GL-20-2055



Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the
Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo spesiåtmente para hægu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi, put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todú siha I kopian mensåhi. Si Yu'os ma'åse'.

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

July 24, 2020

Honorable Tina Rose Muña Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96932

35GL-20-2054
Speaker Tina Rose Muña Barnes

JUL 28 2020
Time 1:19 () AM PM
Received By: naft

RE: Board Appointment

Dear Madame Speaker:

By virtue of the authority vested in me pursuant to the Organic Act of Guam and the local laws applicable to the following position, I am pleased to transmit the following appointment and supporting documents for:

APPOINTEE: Ronald F. Eclavea
POSITION: Member, Guam Ancestral Lands Commission
TERM LENGTH: **Four (4) Years; March 27, 2020 to March 26, 2024**

The appointment is subject to the consent of *I Liheslaturan Guåhan*. Please schedule a hearing at your earliest convenience.

Senseramente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

cc: Lt. Governor of Guam

UFISINAN I MAGA HAGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA HAGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGALAH • DEPUTY GOVERNOR

July 24, 2020

Ronald F. Eclavea

Dear Mr. Eclavea:

Pursuant to my authority under 21 GCA § 80103, I am pleased to reappoint you to serve as a

MEMBER, GUAM ANCESTRAL LANDS COMMISSION
Term Length: Four (4) Years; March 27, 2020 to March 26, 2024

Your reappointment is a testimony to your commitment to service and the understanding of the great responsibility that this position requires and I know that you will continue to fulfill your duties in a professional manner for others to follow.

Once again, I appreciate your willingness to serve in this position, and I am confident that your time on the Board will be effective and productive.

As you are aware, this appointment is subject to the advice and consent of *I Liheslaturan Guahan*. If you have any questions or concerns, please contact Michael Weakley of the Governor's Office at 475-9477.

Senseramente,

LOURDES A. LEON GUERRERO
Maga'hagan Guahan
Governor of Guam

cc: Lt. Governor of Guam
Chairman, GALC
Executive Director, GALC

LOURDES A. LEON GUERRERO
Governor



JOSHUA F. TENORIO
Lieutenant Governor

OFFICE OF THE GOVERNOR OF GUAM Nomination and Appointment Information Sheet

The following information is required for submission to the
Speaker of *I Liheslaturan Guåhan* in accordance with Title 4, Guam Code Annotated Section 2103

NOMINEE INFORMATION

Last Name ECLAVEA	First Name RONALD	Middle Initial F.
Mailing Address [REDACTED]		Apartment/Unit #
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]
Phone [REDACTED]	E-mail Address [REDACTED]	
Position to which Appointment is Made Member, Guam Ancestral Lands Commission		
Are you a citizen of the United States? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
If no, are you authorized to work in the United States? Yes <input type="checkbox"/> No <input type="checkbox"/>		

EDUCATION

SCHOOL (Name, City and State)	DATES OF ATTENDANCE	TYPE OF DEGREE	YEAR EARNED
High School George Washington High School, Guam	1976 - 1979	High School Diploma	1979
College University of Guam & New Mexico State		General Courses	
Graduate School			
Other Degree			

EMPLOYMENT HISTORY

Name of Present/Last Employer and Mailing Address Self-Musician	Position Title Guitarist
	Dates Held 1987 - Present

Previous Employer and Mailing Address Mt. Carmel Catholic School	Position Title Music Director
	Dates Held 2009 - 2013

Previous Employer and Mailing Address	Position Title
	Dates Held

Previous Employer and Mailing Address	Position Title
	Dates Held

Previous Employer and Mailing Address	Position Title
	Dates Held

PRIOR GOVERNMENT OF GUAM SERVICE

Agency or Department Name		Position Title
Address	Phone No.	Dates Held

Agency or Department Name		Position Title
Address	Phone No.	Dates Held

PRIOR GOVERNMENT SERVICE (EXCLUDING GOVERNMENT OF GUAM)

<i>Agency or Department Name</i>		<i>Position Title</i>	
<i>Address</i>	<i>Phone No.</i>	<i>Dates Held</i>	

<i>Agency or Department Name</i>		<i>Position Title</i>	
<i>Address</i>	<i>Phone No.</i>	<i>Dates Held</i>	

TRAINING

<i>INSTITUTE/SEMINARS/ON-THE-JOB TRAINING</i>	<i>DATE</i>
Ethics in Government	
Procurement Training	

AWARDS

<i>List all educational, professional, civic awards, and recognition for public service:</i>

PROFESSIONAL INVOLVEMENT

<i>List involvement on a local/national/international level. List organizations, activities participated in, and offices held:</i>

COMMUNITY / CIVIC INVOLVEMENT

<i>List organizations, activities participated in, and offices held:</i>
Member, Guam Ancestral Lands Commission

PUBLICATIONS AND PRESENTATIONS

<i>List any published articles, papers delivered at professional meetings, etc.:</i>

MILITARY SERVICE (Please attach Form DD-214)

<i>BRANCH</i>	<i>DATES OF SERVICE</i>	<i>RANK AT DISCHARGE</i>	<i>TYPE OF DISCHARGE</i>

OTHER INFORMATION

(1) Have you ever been found guilty of a felony in any court, whether within or without the United States?

Yes No If so, please specify in detail: _____

Address of the Court: _____

Date(s) of Conviction: _____

Specific Infraction Committed: _____

(2) Have you ever been declared mentally incompetent by any court, whether within or without the United States?

Yes No If so, please specify in detail the reasons and facts related to such declaration:

(3) Have you ever been found not guilty or not punishable in any criminal proceedings by reason of insanity?

Yes No

(4) Have you ever been confined to a mental institution for any reason?

Yes No If so, please specify in why the appointing authority believes you that you are not suffering from any mental illness or affliction:

LOURDES A. LEON GUERRERO
Governor



JOSHUA F. TENORIO
Lieutenant Governor

OFFICE OF THE GOVERNOR OF GUAM

Statement of Financial Interests

(Required by 4 G.C.A. §13104.1)


TO: The Honorable Lourdes A. Leon Guerrero
Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

FROM: Ronald F. Eclavea

I have no financial interest in any business

I do have interest(s) in the following business(es):

NAME AND ADDRESS OF BUSINESS INTEREST	TYPE AND AMOUNT OF INTEREST


Signature

07/27/2020
Date

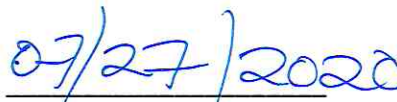
AFFIDAVIT / DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby depose and say that: (1) I have read and reviewed the information contained in the attached Appointment/Nomination letter from the Governor of Guam; (2) that the matters contained in the Appointment/Nomination letter, together with all attachments thereto, are true and correct and that I am competent to testify to said matters; and (3) that this Declaration is made for the purpose of complying with the requirements of 4 G.C.A. Section 2103.5.

I declare under penalty of perjury under the laws of Guam (4 G.C.A. Section 4308) that the foregoing is true and correct.


Ronald F. Eclavea

Print Name and Signature


Date



SUPERIOR COURT OF GUAM

Guam Judicial Center • 120 West O'Brien Drive • Hagatña, Guam 96910

Telephone (671) 475-3370
Fax (671) 472-2856

DANIELLE T. ROSETE
Clerk of Courts

Name: **RONALD F. ECLAVEA**

SS#: ID# [REDACTED] Date of Birth: [REDACTED]

CERTIFICATE OF SEARCH

The undersigned Clerk hereby certifies the following results of a diligent search of the records of this Court:

Criminal Cases:

- A. No Case Found
- B. 1. Criminal Case No.
- 2. Criminal Case No.
- 3. Criminal Case No.
- 4. Criminal Case No.
- 5. Criminal Case No.

Criminal Record: Page 1 of 1

Civil Cases:

- A. No Case Found
- B. 1. Civil Case No.
- 2. Civil Case No.
- 3. Civil Case No.
- 4. Civil Case No.
- 5. Civil Case No.

Civil Record: Page 1 of 1

Request for further information may be addressed at the Records Division of the Superior Court of Guam, Guam Judicial Center, 120 West O'Brien Drive, Hagatña, Guam. Hours of operation are Monday – Friday, 8:00 a.m. to 5:00 p.m. Closed Saturday, Sunday and local/federal holidays. Court Clearances are Non-Refundable.

Dated: 07/23/2020

DANIELLE T. ROSETE
Clerk of Courts

BY: **ALFRED A. SANTOS**
Deputy Clerk

Prepared By: **AAS**



The absence of an original Court Seal invalidates this document



Government of Guam
GUAM POLICE DEPARTMENT
RECORDS & IDENTIFICATION SECTION
P.O. Box 23909
Guam Main Facility, Guam 96921



July 24, 2020

SUBJECT: CRIMINAL HISTORY RECORD

NAME:	Ronald F ECLAVEA		
DATE OF BIRTH:	██████████	FINGERPRINT#:	██████████
■	The individual has no record of criminal conviction(s) in the Guam Police Department files that are subject to Guam law.		

*****NOTHING FOLLOWS*****

THIS INFORMATION MAY BE LIMITED TO A LOCAL CRIMINAL OFFENSE ONLY AND IS NOT INTENDED FOR USE FOR ANY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.

By Direction: pmtc

The absence of an original GUAM POLICE seal invalidates this police clearance.
REVISED 04/26/19

STEPHEN C. IGNACIO
Chief of Police



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

First Notice of Public Hearing- Friday, August 7, 2020 beginning at 1:00 p.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com> Fri, Jul 31, 2020 at 12:05 PM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>

Cc: phnotice@guamlegislature.org, Tom Unsiog <sgtarms@guamlegislature.org>, Audio / Video <av@guamlegislature.org>

Bcc: Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairiki <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com, dcristost@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbgum.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbgum.com>, Kevin Kerrigan <kevin@spbgum.com>, jolene@spbgum.com, Mai Habib <mai.habib@spbgum.com>, raygibsonshow@gmail.com, manasilva626@██████████, KISH <kstokish@gmail.com>, KPRG <admin.kprg@gmail.com>, KPRG Guam <pdkprg@gmail.com>, Manuel Cruz <cruzma812@██████████>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@██████████>, Andrea Pellacani <andrea@grassrootsguam.com>, Guam Progress <guamprogress@yahoo.com>, Kelly Park <kcn.kelly@██████████>, brian@██████████, Ibarra Hernandez <ihernandez@guamlegislature.org>, Edwin Reyes <edwin.reyes@bsp.guam.gov>, Sonia Siliang <██████████>, "Ronald F. Eclavea" <██████████>, maria.cruz@galc.guam.gov, ██████████

July 31, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: FIRST NOTICE of Public Hearing - Friday, August 7, 2020 beginning at 1:00 p.m.

Håfa Adai!

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a public hearing on Friday, August 7, 2020 beginning at 1:00 p.m. in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña).

AGENDA

Confirmation Hearings for the following Executive Appointments:

- Sonia L. Siliang, Member, Guam Memorial Hospital Authority Board of Trustees

- Edwin J.C. Reyes, Member- Planning Alternate Rep, Guam Historic Preservation Review Board
- Anita F. Orlino, Member, Guam Ancestral Lands Commission
- Maria G. Cruz, Member, Guam Ancestral Lands Commission
- Ronald F. Eclavea, Member, Guam Ancestral Lands Commission

Individuals wishing to participate in the Virtual Confirmation Hearings to provide testimonies may contact the Office of the Senator Therese M. Terlaje before COB on August 5, 2020, via email at senatorterlajeguam@gmail.com or 472-3586, for further guidance.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. Written testimonies may be submitted via email to senatorterlajeguam@gmail.com.

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

We look forward to your participation! *Si Yu'os Ma'åse'.*

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

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First Notice of Public Hearing- Friday, August 7, 2020 at 1 p.m..pdf

422K



SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice
I Mina' trentai Singko na Libeslaturan Guåhan
35th Guam Legislature

July 31, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson
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We look forward to your participation! *Si Yu'os Ma'åse'.*

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

DOC officer on leave a month after testing positive for COVID-19

By Nick Delgado
nick@postguam.com

An officer at the Department of Corrections who tested positive for COVID-19 more than one month ago remains on sick leave.

DOC spokesperson Maj. Antone Aguon confirms the officer has not returned to work since contracting the virus.

There's been no word if the officer has been retested and cleared, or when the officer will return to work.

Five other corrections officers were tested after they reported being medium- or high-risk contacts to the infected officer. Their results came back negative.

On June 24, the officer, who was assigned to the Post 8-Women's Facility, did not report to duty after feeling ill prior to testing positive.

The Department of Public Health and Social Services conducted contact tracing investigations.

Aguon said no other staff or prisoners reported contracting the virus since then.

Federal drug convict faces more jail time

By Nick Delgado
nick@postguam.com



Rico Akin Charfauros

A man who was on supervised release for a 2014 drug conviction is back in federal custody after multiple violations to include a new criminal case in local court.

Defendant Rico Akin Charfauros appeared before District Court of Guam Magistrate Judge Michael Bordallo on Thursday for a revocation hearing.

The Adult Probation Office alleged that he failed to participate in a substance abuse program, reside at a home approved by probation, and report for drug testing in February. The violations also state he was arrested on local charges in March and failed to report his arrest to probation within 72 hours.

Defense attorney Cynthia Ecube asked the court for more time before Charfauros answers to the violations, as there hasn't been any movement on his case in the Superior Court of Guam since his arrest.

"I am informed there is a major backlog of criminal cases in the local court," said Ecube. "That stopgap is going to have an effect on how we can move forward on any criminal cases in

the federal court." He is scheduled back in court on Sept. 17.

Local case

On March 3, Guam police officers had to use physical force to subdue an individual they had approached, while investigating an assault complaint in Agat.

The victim alleged the Charfauros trespassed onto her property and began shouting at her before he picked up a piece of rebar and gestured like he was going to throw it at her, court documents state.

When officers located him, he alleged shouted, "Don't come near me!" and "F--- you!" while smoking from a glass pipe with a bulbous end, documents state.

Charfauros allegedly became combative and swung at the officers, prompting police to use physical force.

He was charged with assault, reckless conduct, criminal trespass, eluding a police officer, resisting arrest and possession of a Schedule II controlled substance.

Federal conviction

He was sentenced in December 2015 to nearly three and a half years in federal prison and three years of supervised release after he pleaded

The Adult Probation Office alleged that he failed to participate in a substance abuse program, reside at a home approved by probation, and report for drug testing in February.

guilty to a charge of attempted possession of methamphetamine with intent to distribute.

Post files state that on March 7, 2014, a Guam customs K-9 dog alerted authorities to an express mail package at the Guam Main Facility in Barrigada.

Investigators obtained a search warrant and discovered 3 pounds and 15.8 ounces of methamphetamine with a purity level of 98% inside the package and replaced it with sham.

Charfauros picked up the package and told law enforcement officers he was asked by a certain person to pick it up and was promised by the same person that he would "take care of him."

Jury finishes listening to prior testimony in molestation case

By Nick Delgado
nick@postguam.com

the trial against Sohlansé Roponei Jr. in the Superior Court of Guam.

The trial had been paused due to the COVID-19 pandemic.

The jury took about one day to listen

to the recordings of the prior witness testimony given earlier this year.

The prosecution rested its case after only two days of jury trial in mid-March.

Roponei faces charges of first-degree criminal sexual conduct as a first-degree felony and three counts of second-degree criminal sexual conduct as a first-degree felony, according to Post files.

The victim, now 15, testified at trial:

"I've been molested by Sohlansé. ... In elementary and little of my middle school years."

She alleged the sexual assaults occurred inside the living room and in her mother's room.

Trial is expected to continue on Tuesday before Judge Vernon Perez.



Sohlansé Roponei Jr.

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

Tarnate, Lorena Dizon
DBA: Lori's

has applied for a Class: 04 General On-Sale Alcoholic Beverage License said premises being marked as Lot: Lot 1-4 Tract 217 106E & 107E Ada's Dededo Shopping Center Dededo.

SENATOR THERESE M. TERLAJE
I Mina'trentai Singko na Liheslaturan Guåhan
35th Guam Legislature

Committee On Health, Tourism, Historic Preservation, Land and Justice

VIRTUAL PUBLIC HEARING • 1:00 PM • FRIDAY, AUGUST 7, 2020

AGENDA

Confirmation Hearings for the following Executive Appointments:

- Sonia L. Siliang, Member, Guam Memorial Hospital Authority Board of Trustees
- Edwin J.C. Reyes, Member (Planning Alternate Rep), Guam Historic Preservation Review Board
- Anita F. Orfino, Member, Guam Ancestral Lands Commission
- Maria G. Cruz, Member, Guam Ancestral Lands Commission
- Ronald F. Eclavea, Member, Guam Ancestral Lands Commission

If you would like to provide oral testimony on these appointments during the public hearing or if you require special accommodations, please contact the Office of Senator Therese M. Terlaje via email at senatorterlaje@guam.com or 472-3586 before COB on August 6, 2020, for further guidance. Written testimony may also be submitted via email to the Office of Senator Therese M. Terlaje, now and 10 working days after the hearing. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via http://www.guamlegislature.com/live_feed.htm. This ad is paid for with government funds.

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

First Notice of Public Hearing- Friday, August 7, 2020 beginning at 1:00 p.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Aug 5, 2020 at 11:15 AM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>

Cc: phnotice@guamlegislature.org, Tom Unsiog <sgtarms@guamlegislature.org>, Audio / Video <av@guamlegislature.org>

Bcc: Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairikl <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com, dcrisost@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbguam.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbguam.com>, Kevin Kerrigan <kevin@spbguam.com>, jolene@spbguam.com, Mai Habib <mai.habib@spbguam.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, KPRG <admin.kprg@gmail.com>, KPRG Guam <pdkprg@kuam.com>, Manuel Cruz <cruzma812@kuam.com>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@kuam.com>, Andrea Pellacani <andrea@grassrootsguam.com>, Guam Progress <guamprogress@yahoo.com>, Kelly Park <kcn.kelly@kuam.com>, Brian [REDACTED], Ibarra Hernandez <ihernandez@guamlegislature.org>, Edwin Reyes <edwin.reyes@bsp.guam.gov>, Sonia Siliang [REDACTED], "Ronald F. Eclavea" [REDACTED], [REDACTED], maria.cruz@galc.guam.gov, [REDACTED]

August 5, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: FIRST NOTICE of Public Hearing - Friday, August 7, 2020 beginning at 1:00 p.m.

Håfa Adai!

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on Friday, August 7, 2020, beginning at 1:00 p.m. via Zoom Conference Platform, on the following agenda items:

Confirmation Hearings for the following Executive Appointments:

- Sonia L. Siliang, Member, Guam Memorial Hospital Authority Board of Trustees
- Edwin J.C. Reyes, Member- Planning Alternate Rep, Guam Historic Preservation Review Board
- Anita F. Orlino, Member, Guam Ancestral Lands Commission
- Maria G. Cruz, Member, Guam Ancestral Lands Commission
- Ronald F. Eclavea, Member, Guam Ancestral Lands Commission

Individuals wishing to participate in the Virtual Confirmation Hearings to provide testimonies may contact the Office of the Senator Therese M. Terlaje before [COB on August 5, 2020](#), via email at senatorterlajeguam@gmail.com or 472-3586, for further guidance.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. Written testimonies may be submitted via email to senatorterlajeguam@gmail.com.

In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email. We look forward to your participation! *Si Yu'os Ma'åse'*.

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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website: www.senatorterlaje.com

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Second Notice of Public Hearing- Friday, August 7, 2020 at 1 p.m..pdf

423K



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

CORRECTION- SECOND NOTICE of Public Hearing- Friday, August 7, 2020 at 1:00 p.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Aug 5, 2020 at 11:29 AM

To: Speaker's Office <speaker@guamlegislature.org>, Vice Speaker Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Clynt Ridgell <sen.cridgell@teleguam.net>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator James Moylan <senatormoylan@guamlegislature.org>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, phnotice@guamlegislature.org, Tom Unsiog <sgtarms@guamlegislature.org>, Audio / Video <av@guamlegislature.org>
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August 5, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson
 Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND** NOTICE of Public Hearing - Friday, August 7, 2020 beginning at 1:00 p.m.

Håfa Adai!

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- Edwin J.C. Reyes, Member- Planning Alternate Rep, Guam Historic Preservation Review Board
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- Maria G. Cruz, Member, Guam Ancestral Lands Commission
- Ronald F. Eclavea, Member, Guam Ancestral Lands Commission

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The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan*'s live feed on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. Written testimonies may be submitted via email to senatorterlajeguam@gmail.com.

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--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

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Second Notice of Public Hearing- Friday, August 7, 2020 at 1 p.m..pdf

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SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice
I Mina' trentai Singko na Libeslaturan Guåhan
35th Guam Legislature

August 5, 2020

MEMORANDUM

To: All Senators, Stakeholders and Media

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Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND NOTICE of Public Hearing - Friday, August 7, 2020 beginning at 1:00 p.m.**

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CURRENCY EXCHANGE RATES	Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market .						
On Aug. 4, \$1 was worth:	49.099 PHPP	106.060 JPY¥	1,193.970 KR₩	29.406 TWD NT\$	6.9834 CNY¥	1.4011 AUD A\$	0.8494 EUR €

United to fly 37% of overall flight schedule

United Airlines plans to resume service on nearly 30 international routes in September, including flights to Asia, India, Australia, Israel and Latin America and to continue to add ways to visit popular vacation destinations in the Caribbean, Hawaii and Mexico, the airline announced Tuesday in a press release.

The airline intends to fly 37% of its overall schedule in September as compared to the same period last year. September's flights reflect a 4% increase in capacity compared to what is planned for August 2020.

United is also extending its waiver of change fees and award redeposit fees for reservations through Aug. 31, the airline stated in the press release.

"We continue to be realistic in our approach to building back our international and domestic schedules by closely monitoring customer demand and flying where people want to go," stated Patrick Quayle, United's vice president of International Network and Alliances. "In September, we're adding even more options for leisure travelers or those who want to visit friends and relatives, whether that's within the United States or around the world."

Domestically, United intends to fly



UNITED: Justin Marion, United Airlines general manager, describes how United has partnered with Clorox and the Cleveland Clinic to create the United Clean Plus Program to deliver industry service and cleaning standards throughout United operations. Marion spoke at the A.B. Won Pat International Airport on July 22 in a partnership with the government of Guam to signal efforts for safe travel amid COVID-19.

David Castro/The Guam Daily Post

40% of its schedule. The airline plans to add more than 40 daily flights on 48 routes to locations including Austin, Texas; Colorado Springs, Colorado; and Santa Barbara, California.

Additionally, United plans to resume service between the U.S. mainland and Hilo and Kauai and increase flying to Honolulu, Kona and

Maui in the Hawaiian Islands.

Internationally, United intends to fly 30% of its schedule, as compared to September 2019, which is a 5-point increase compared to August.

U.S. domestic travelers in search of vacation options that allow more social distancing, such as beach, mountain and national park destina-

tions, will continue to see opportunities for leisure travel including:

- Increasing opportunities to connect to more than 800 flights from United's mid-continental hubs in Chicago, Denver and Houston.
- Adding more than 40 daily flights on more than 48 routes across the United States.
- Resuming service between the U.S. mainland and Hilo and Kauai in Hawaii.
- Increasing service between the U.S. mainland and Honolulu, Kona and Maui.

International flights will be 30% of scheduled service

Internationally, United is scheduled to fly 30% of its schedule in September compared to the same period in 2019. Across the Atlantic, United plans to offer customers more opportunities to get to Europe and beyond from Chicago, Houston, New York/Newark, and San Francisco.

Pacific

Across the Pacific in September, United plans to restart three-times-weekly service between Los Angeles and Sydney and passenger service between Chicago and Hong Kong, subject to government approval.

(Daily Post Staff)

Trump orders limits on US contractors' use of foreign workers

By Mario Parker
and Justin Sink
Bloomberg

President Donald Trump on Monday barred federal agencies from dismissing U.S. citizens or green card holders and replacing them with foreign workers, and blasted a major state enterprise for having done so.

The executive order Trump signed Monday increases scrutiny of federal

contractors' use of H-1B visas to bring in temporary foreign labor for high-skilled jobs rather than relying on American workers.

The action was prompted by the federally owned Tennessee Valley Authority's June announcement that it's laying off 62 information technology workers as the federal power agency outsources data and programming work, according to an administration official who spoke on the condi-

tion of anonymity.

The Trump administration is working on other changes to the H-1B visa program that may be announced in coming weeks, the official said.

The coronavirus-caused recession has thrown millions of Americans out of work, with uncertain prospects for a recovery amid continued surges in virus case counts in many states. With the president running behind presumptive Democratic nominee Joe Biden in polls, Trump's move would showcase actions to support jobs. The administration also remains in talks

with Democrats about extending extra jobless benefits.

Trump called TVA chief executive Jeff Lyash's outsourcing decision "disastrous and heartless." Trump said the board must remove Lyash, or he'll do it. He also said he'll remove some board members, including Chairman James Thompson.

After being handed a note during the White House event, Trump said that he got a call from Lyash and that the TVA chief had indicated a "willingness to reverse course" on the announced layoffs.



GUAM HOUSING CORPORATION

P.O. Box 3457, Hagåtña, Guam 96932

Guam Housing Corporation will hold a Regular Board of Directors meeting on **Friday, August 7, 2020 at 9:00 a.m.** at GEDA conference room, 5th floor, ITC bldg. This meeting is open to the public via Google Meet.

Google Meet info:

Join with Google Meet - <http://meet.google.com/pjh-wowb-hsu>

Join by phone - (US) +1 478-331-7084 | PIN: 143 182 198#

For more information or special accommodations, please contact Cassandra Santos or Arleen Evangelista at 647-4143.

SENATOR THERESE M. TERLAJE
I Mina'trental Singko na Liteslaturan Guåhan
35th Guam Legislature



Committee On Health,
Tourism, Historic Preservation,
Land and Justice

VIRTUAL PUBLIC HEARING • 1:00 PM • FRIDAY, AUGUST 7, 2020

AGENDA

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- Maria G. Cruz, Member, Guam Ancestral Lands Commission
- Ronald F. Eclavea, Member, Guam Ancestral Lands Commission

If you would like to provide oral testimony on these appointments during the public hearing or if you require special accommodations, please contact the Office of Senator Therese M. Terlaje via email at senatorterlaje@guam.com or 472-3586 before COB on August 6, 2020, for further guidance. Written testimony may also be submitted via email to the Office of Senator Therese M. Terlaje, now and 10 working days after the hearing. The hearing will broadcast on local television, GIA Channel 21, Docomo Channel 117/60.4 and stream online via [Liteslaturan Guåhan](http://Liteslaturan.Guåhan)'s live feed at http://www.guamlegislature.com/live_feed.htm. This ad is paid for with government funds.

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

Yi, Yun H.

DBA: Vanjour Pocha Restaurant

has applied for a Class: Four (4) General On-Sale Alcoholic Beverage License said premises being marked as Lot: 5162 3 R1, 5162 3 3 & 5162 3 R3 Unit 29 GKTC Harmon Indus. Park Rd. (TAKE-OVER) Tamuning/ Tumon/ Harmon.



SENATOR THERESE M. TERLAJE
Committee on Health, Tourism, Historic Preservation, Land and
Justice

I Mina' trentai Singko na Liheslaturan Guåhan
35th Guam Legislature

VIRTUAL PUBLIC HEARING AGENDA

Friday, August 7, 2020
via Zoom Conference Platform
Beginning at 1:00 p.m.

(Please log into hearing link by 12:45 p.m.)

- Sonia L. Siliang to serve as a Member, Guam Memorial Hospital Authority Board of Trustees
- Edwin J.C. Reyes to serve as a Member (Planning Alternate Rep), Guam Historic Preservation Review Board
- Anita F. Orlino to serve as a Member, Guam Ancestral Lands Commission
- Maria G. Cruz, Member to serve as a Guam Ancestral Lands Commission
- Ronald F. Eclavea to serve as a Member, Guam Ancestral Lands Commission

Confirmation Hearing packets and testimony can be accessed here:
<https://drive.google.com/drive/folders/1H6xtDvtOCrHiQ5DJ0R6am-bGEFxY39CQ?usp=sharing>

In compliance with the ADA, individuals requiring special accommodations or services should contact us at (671) 472-3586 or by email to senatorteralajeguam@gmail.com.

All testimony will be included in the Committee Reports for each agenda item and published on the [guamlegislature.org](http://www.guamlegislature.org) website. You can watch the hearing on *TV Channel 21GTA or Channel 117/60.4 Docomo*; or via http://www.guamlegislature.com/live_feed.htm

A recording of the hearing will be available on YouTube at [Guam Legislature Media](#) after the hearing.

Si Yu'os Ma'åse'!

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I Mina'trentai Singko na Liheslaturan Guåhan
Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

Date: **Friday, August 07, 2020**

Time: **1:00 PM**

Appointment of Ronald F. Eclavea to serve as a Member of the Guam Ancestral Lands Commission
 Term Length: Four Years; March 27, 2020 to March 26, 2024

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Ronald F. Eclavea, Appointee					X		
2	Acting Director John Burch, Guam Ancestral Lands Commission				X	X		
3								
4								
5								
6								
7								
8								
9								
10								

**BOARD OF
COMMISSIONERS**

Vacant
Chairperson

Vacant
Vice Chair

Vacant
Secretary/Treasurer

Angela M. Camacho
Commissioner

Louisa F. Wessling
Commissioner

Vacant
Commissioner

Vacant
Commissioner

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
<http://d.m.guam.gov>

Email Address:
dmdr@and.guam.gov

Telephone:
(671) 649 LAND (5263)
ext. 440/475

Facsimile:
671 649 5383



LOURDES A. LEON GUERRERO
Maga'haga • Governor

JOSHUA F. TENORIO
Sigundo Maga'lahi • Lieutenant Governor

KUMISION I TÀNO' SAINA-TA
(Guahan Ancestral Lands Commission)



John T. Burch
Acting Executive Director

August 7, 2020

Honorable Therese M. Terlaje
Senator and Chairwoman
Committee on Health, Tourism, Historic
Preservation, Land & Justice
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
173 Aspinall Ave.,
Ada Plaza Center Suite 207,
Hagatna, Guam 96910

Re: Confirmation Hearing for

Anita F. Orlino
Maria G. Cruz
Ronald F. Eclavea

Dear Senator Terlaje:

Thank you for the opportunity to testify in support of Governor Lou Leon Guerrero's nomination of Mrs. Anita F. Orlino, Mrs. Maria G. Cruz and Mr. Ronald F. Eclavea to continue to serve as members on the Guam Ancestral Lands Commission.

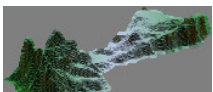
With the consent of the Guam Legislature, their reappointment will help us to meet our mission of administering the Guam Ancestral Lands Act in order that ancestral landowners, their heirs and descendants may expeditiously exercise all the fundamental civil rights in the property they own; to provide just compensation for dispossessed ancestral landowners; and when appropriate, assist ancestral landowners in pursuit of just remedies. Their nomination for reappointment is testimony to their commitment to service and understanding of the great responsibility these positions require.

I look forward to Mrs. Orlino, Mrs. Cruz and Mr. Eclavea's reappointment to the Guam Ancestral Lands Commission and I thank them for agreeing to continue this hard but rewarding work. Therefore, I respectfully request the Legislature to move forward quickly in filling these three positions.

Thank you for allowing me this opportunity to testify in support of their nomination.

Sincerely:

John T. Burch



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CHAPTER 80
GUAM ANCESTRAL LANDS COMMISSION

- § 80101. Definitions.
- § 80102. Affirmation of and Authorization to Exercise a Fundamental Civil Right in Ancestral Real Property Also Known as Lands.
- § 80103. Guam Ancestral Lands Commission.
- § 80104. Powers and Duties of the Commission.
- § 80105. Transfer of Property to the Guam Ancestral Lands Commission.
- § 80106. Comprehensive Zoning Plan.

§ 80101. Definitions.

Whenever used in this Chapter:

(a) Ancestral Lands shall mean those lands owned privately by residents of Guam on or after January 1, 1930.

(b) Ancestral Lands Title shall mean that right and interest entitling an owner or owner's descendants or heirs to the repossession of property taken by the United States of America or the government of Guam on or after January 1, 1930, having thereafter been declared excess or, where not declared excess, in exchange therefor.

(c) Ancestral Property Right shall mean the right and interest that a private property owner has in relation to inherited land or lands possessed by private property owner's ancestor.

(d) Ancestral Title Registry shall mean the registry into which is entered all information pertaining to ancestral land claimants who are granted land title, either by land exchange or land recovery, in exchange for the permanent extinguishment of all claims thereto.

(e) Applicant shall mean any person or persons, legal entity or government, who files a claim in accordance with Chapter 80 of Title 21 of the Guam Code Annotated, and Articles 9 and 9A of Title 12 of the Guam Code Annotated.

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(f) Claims Registry shall mean the registry into which is entered information based on a determination by the Commission that a valid basis exists for an ancestral title claim by an applicant.

(g) Commission shall mean the Guam Ancestral Lands Commission.

(h) Conditional Awards Registry shall mean the registry into which is recorded information in relation to each determination made by the Commission with respect to an ancestral title and compensation application made by a claimant.

(i) Determination shall mean an administrative ruling by the Commission with respect to an applicant's request for an extinguishment of an ancestral claim.

(j) Excess Lands Registry shall be a listing of all lands declared excess by the Federal government and acquired by the government of Guam on or after the effective date of this Act.

(k) Just compensation for the purposes of Chapter 80 of Title 21 of the Guam Code Annotated, and Articles 9 and 9A of Title 12 of the Guam Code Annotated, as amended, shall mean only land recovery or land exchange, and shall also mean any other form of compensation other than a specifically described available land.

(l) Original land shall mean the actual specifically described land, in whole or in part, which was confiscated or condemned by the United States of America or the government of Guam on or after January 1, 1930, and have been thereafter declared excess to which a prior private ownership interest held by a resident of Guam on January 1, 1930 was previously attached.

(m) Original landowners registry shall mean the registry into which information pertaining to all lands taken and the names of owners whose properties were confiscated or condemned on or after January 1, 1930.

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(n) Replacement land shall mean land surplus to the Federal government or the government of Guam, and not in public benefit use, or needed for public benefit use, to which no private ownership interest was attached on January 1, 1930, and which may be used as a replacement for original lands confiscated or condemned by the United States government or the government of Guam.

SOURCE: Added by P.L. 25-045:3 (June 9, 1999).

§ 80102. Affirmation of and Authorization to Exercise a Fundamental Civil Right in Ancestral Real Property Also Known as Lands.

(a) The responsibility of the government of Guam to enforce rights in private property, as a civil right, pursuant to the laws of the United States of America applicable to Guam and the Laws of Guam is hereby acknowledged and reaffirmed. The responsibility of the government of Guam to also enforce the entire community's rights in public property, as common property, is also hereby acknowledged and reaffirmed.

(b) The government of Guam expects to eventually accept transfer of the ownership of lands to be disposed under 'The Guam Excess Lands Act' through the U. S. General Services Agency and as a result of decisions in 1993 and 1995 issued by the U.S. Base Realignment and Closure Commission, subject to certain specified encumbrances, including un-relinquished property rights retained either by the United States of America or other prior owners, with applicable judicial procedures available should disputes arise. However, it is recognized that a process does not now exist to recognize the ancestral land rights of landowners whose properties have not been declared surplus and may not ever be declared surplus by the military in the future. Likewise, the process established by Guam Public Law Number 22-145 for disposal of three thousand two hundred (3,200) acres of Guam excess lands does not apply to claimants whose claims are attached to excess land elsewhere.

(c) *I Liheslaturan Guåhan* recognizes that the rights of landowners to full use and enjoyment of their private property was long deprived because of unsettled issues described in the foregoing § 80103 of this Chapter. Therefore, to restore the rights of

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landowners to the use of their ancestral lands, *I Liheslaturan Guåhan* through this Chapter hereby affirms and formally recognizes the ‘Ancestral Property Right’; establishes an administrative process for the exercise of that right; and creates the Guam Ancestral Lands Commission and authorizes the Commission to administer the provisions of this Chapter in order that original landowners, their heirs and their descendants may expeditiously exercise all their fundamental civil rights in the property they own. The exercise of ‘ancestral property right’ claims shall be applicable to lands already declared excess by the Federal government and shall also be applicable to all future declaration of excess lands either by the United States Government or by the government of Guam.

SOURCE: Added by P.L. 25-045:3 (June 9, 1999).

§ 80103. Guam Ancestral Lands Commission.

(a) There is within the government of Guam the Guam Ancestral Lands Commission to carry out the purposes of this Chapter.

(1) The Commission *shall* be composed of seven (7) members appointed by I Maga’låhen Guåhan, with the advice and consent of I Liheslatura (the Legislature).

(A) Commissioners *shall* be residents of Guam and descendants or heirs of ancestral land owners.

(B) Members *shall* serve terms of four (4) years; provided, however, that of the members first appointed under this statute, two (2) shall be appointed for a term of one (1) year, two (2) shall be appointed for a term of two (2) years, and three (3) shall be appointed for a term of four (4) years.

(2) The current appointed members of the GALC *shall* continue to serve until the end of their current appointed terms.

(b) Vacancies. Vacancies in the membership of the Commission *shall* be filled by appointment by I Maga’låhen Guåhan in the same manner as initial appointments, as provided in Subsection (a) of this Section. Persons filling a vacancy must

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undergo the Legislative confirmation process, and *shall* serve for the unexpired portion of the term.

(c) Quorum. Four (4) Commissioners present *shall* constitute a quorum of the Commission for the conduct of administrative business. Five (5) Commissioners present *shall* constitute a quorum of the Commission to determine a land claim. A vote of a majority of the Commission members present *shall* be required for any action of the Commission.

(d) Administration. The Commission *shall* adopt rules and regulations governing the conduct of its affairs. It *shall* elect a chairperson and vice chairperson from among the Commissioners, and may employ an executive director and such staff as is necessary to carry out the duties set forth in this Chapter.

(e) Stipend. Each Commissioner *shall* receive the sum of Fifty Dollars (\$50.00) for attendance of each meeting of the Commission; provided, that such compensation *shall* not exceed One Hundred Dollars (\$100.00) per month.

SOURCE: Added by P.L. 25-045:3 (June 9, 1999). Amended by P.L. 25-180:2 (Jan. 3, 2001) to reduce quorum requirement. Amended by P.L. 33-197:1 (Dec. 15, 2016).

2017 NOTE: Subitem designations added pursuant to the authority of 1 GCA § 1606.

§ 80104. Powers and Duties of the Commission.

(a) Commission to Establish Ancestral Lands Registries. The Commission is directed to establish and maintain five (5) separate registries for the purposes of recording accurate information in the settlement of ancestral claims, as set out in the Subsections below.

(1) Original Landowners Registry. The Original Landowners Registry is a listing of all lands taken under the names of owners of record at the time of taking whose properties were confiscated or condemned by the United States of America, or by the government of Guam on or after January 1, 1930, as well as other pertinent location and ownership information in relation to the property. The Original Landowners Registry shall be used for the purpose of confirming an applicant's property claim, for future

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extinguishment upon receipt of just compensation, as defined by this Chapter.

(2) Excess Lands Registry. The Excess Lands Registry is a listing of all lands that have been declared excess by the Federal government or the government of Guam, including all lands that may be declared excess in the future by the government of Guam. The Excess Lands Registry shall be used for the purpose of identifying a specified lot or lots of land with which the Commission may use as just compensation in extinguishing ancestral claims.

(3) Claims Registry. The Claims Registry is a listing of all claims to ancestral title filed by applicants.

(4) Conditional Awards Registry. The Conditional Awards Registry is a listing of conditional awards of just compensation.

(5) Ancestral Title Registry. The Ancestral Title Registry is a listing of applicants granted land title in return for the surrender of all their ancestral property claims.

(b) Duties of Commission. In establishing all five (5) registries established in this Section,

(1) the Commission or designated staff shall investigate, record, file, report and respond to requests by ancestral land claimants for remedy, including government of Guam, whose land was taken by the United States or by the government of Guam on or after January 1, 1930. Remedy includes just compensation, as defined in § 80101 of this Act, which for purposes of this Chapter is defined as limited to the return of land or access to landlocked lots across public lands, if public lands block access to private property.

(2) The Commission shall establish, in accordance with the Administrative Adjudication Law, written procedures for extinguishment of Claims, award of just compensation and recordation of Ancestral Land Title, as well as other rules and regulations required to administer this Chapter.

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(3) The Commission shall promulgate rules and regulations to administer the Commission's functions in a fair, just, economical and expedient way, and shall establish fees and specify materials reasonably required to accompany applications in order to extinguish a claim in favor of a just compensation award.

(c) Four (4) Step Process for Extinguishment of Claims, Award of Just Compensation, and Recordation of Ancestral Land Title. The following four (4) step process shall be detailed within appropriate written procedures and rules and regulations to be prescribed by the Commission.

Step 1: Filing of Ancestral Claim – Applicant in this first step submits an application to the Commission containing applicant's assertion that applicant and others, if any, hold ancestral title in relation to a specified lot of land by virtue of inheritance. Based upon the information provided, the Commission shall make a determination if in fact a valid basis for an ancestral title claim exists. The ancestral title claim shall then be entered in the Claims Registry. The Claims Registry shall contain the information required to be entered, as established by the Commission by rules and regulations. The Commission must accept an application for determination of claim, provided the following minimum information is given:

(1) date on which application was submitted to the Commission;

(2) whether the application was submitted to the Commission, or Commission's designee, and the name of the Commission or designee;

(3) name and address for service of notification to the person(s) who is the claimant (This is the person who shall be the registered ancestral title claimant.);

(4) the area of land covered by the claim, including property descriptions and maps;

(5) description of the persons who it is claimed hold the ancestral title; and

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(6) other details about the claim as the Commission may deem appropriate.

The Claims Registry may be inspected by any member of the public during normal business hours. No part of the Claims Registry are to be kept confidential from the public.

The Commission must ensure that the Claims Registry is kept updated with details of any claims contained in applications given to the Commission, or of any application for amendments to a claim after a determination.

Step 2: Ancestral Title and Compensation Application. An applicant may exercise applicant's right to extinguish an ancestral claim by submitting an application to the Commission for a determination of a conditional title and compensation award. An applicant may submit an application in prescribed form for any of the following three (3) categories defined:

Category 1: Ancestral Title Determination – for a determination of ancestral title in relation to an area for which there is no approved determination of ancestral title;

Category 2: Compensation Application. This Chapter sets forth two (2) forms of compensation for future title claims which shall be either the return of original ancestral land, or just compensation, as defined in § 80101 of this Act, based upon mutually satisfactory negotiations between the government and the applicant. Before relinquishment of exchange land the Commission shall certify that the exchange lands show no history of ancestral ownership or ancestral ownership claim on or after January 1, 1930.

The Commission must accept an ancestral title and compensation application provided the following requirements are met by the claimants:

(1) that the kind of application falls within the three (3) categories defined above;

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(2) is in the prescribed form, as established by the Commission;

(3) contains the information required and as prescribed in relation to the matters sought to be determined;

(4) provide accompanying documents at the very minimum of which include:

(A) a sworn affidavit that the applicant:

(i) believes that ancestral title has not been extinguished in relation to any part of the land claimed; and

(ii) believes that all of the statements made in the application are true;

(B) a statement containing all information known to the applicant about interests in relation to any of the land or waters concerned that are held by persons other than as ancestral title holders;

(C) a description and map of the area over which the ancestral title is claimed;

(D) evidence of heirship;

(E) name and address of the person who is to be considered the claimant (The name of the person given under this item will become the registered ancestral title claimant.); and

(5) all accompanying fees as prescribed by the Commission.

Step 3: Conditional Award of Just Compensation. In awarding ancestral title and just compensation, the Commission shall issue a Certification of Award of Just Compensation on Condition of Extinguishment of Ancestral Title Claim. The Certification of Award of Just Compensation shall be entered into the Conditional Awards Registry. The Conditional Awards Registry shall contain as much of the information in relation to each determination as must be

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entered into the Register, at a minimum of which shall consist of:

- (1) name of the Commission or designee that made the determination;
- (2) date on which the determination was made;
- (3) area, location, and description of specific land covered by the determination;
- (4) the matters determined; and
- (5) other details about the determination or decision as the Commission deems appropriate.

The Conditional Awards Registry shall be made available for the public's inspection during normal business hours.

Step 4: Extinguishment of Ancestral Land Claim – An ancestral land claimant is granted claimant's land title either by land exchange or land recovery on the condition that the ancestral title holder surrenders all rights and interests in relation to ancestral land claims thereby permanently extinguishing all rights, interests and claims to the claims. Upon the Commission's issuance of title by an award of just compensation and extinguishment of claims, the ancestral title holder's name is removed from the Conditional Awards Registry, and is entered into the Ancestral Lands Title Register by the Commission. The Commission shall prescribe the appropriate form to effectuate issuance of compensation and extinguishment of ancestral claim. The Commission shall ensure that the ancestral title holder is issued a suitable property conveyance deed in full satisfaction of ancestral title holder's ancestral title award. Once listed as ancestral title holder after acceptance of specifically described land, the holder and all of holder's heirs, successors and assigns, and those who may assert subsequent claims derived from the holder, are forever barred from reentry into the Claims Registry.

(d) Director of Land Management to Reserve All Future Lands Received by Government of Guam Declared Excess for Entry into

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Excess Lands Registry. For the purposes of administering this Section, the Director of Land Management is authorized and required to reserve all future lands received by the government of Guam declared excess, and ensure that all information pertaining to excess lands, both current and future, are sent to the Commission for entry into the Excess Lands Registry. The Commission shall maintain and give the public the right to review the Excess Lands Registry.

(e) Land Bank. The Commission shall take title, as Trustees, of former Spanish Crown Lands and other non-ancestral lands that are conveyed by the Federal government to the government of Guam after the effective date of this Act, on behalf of ancestral landowners who, by virtue of continued government or public benefit use cannot regain possession or title to their ancestral lands.

The Commission shall establish a Guam-based trust to administer all assets and revenues of the land bank of the aforementioned lands and manage the lands, and act as the developer of the lands, if necessary, to the highest and best use. The Commission shall establish rules and regulations pursuant to the Administration Adjudication Law for the Guam-based trust. The resulting income shall be used to provide just compensation for those dispossessed ancestral landowners.

(f) Notification of Extinguishment of Ancestral Claims. The Commission shall ensure that all parties whose interests may be affected in the extinguishment of an ancestral claim are notified in writing, if at all possible, and through public notice in a Guam newspaper of general circulation.

(g) Appeal Through Judicial Process. If disputes arise from an application which cannot be resolved by the Commission, then any of the opposing parties may invoke the judicial process at the party's expense.

(h) Guam Ancestral Lands Commission Survey, Infrastructure, and Development Fund.

(1) The Guam Ancestral Lands Commission *shall* create a special fund called the Guam Ancestral Lands Commission Survey, Infrastructure, and Development Fund (Fund), which

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shall be maintained separate and apart from any other funds, and *shall not* be subject to the transfer authority of *I Maga'låhen Guåhan*.

(2) Notwithstanding any other provision of law requiring the deposit of proceeds to other funds, the Fund shall receive the net proceeds of all leases of Apra Harbor Reservation F-12 and Parcel N14-1 (the Polaris Point parcels) under the jurisdiction of the Guam Ancestral Lands Commission.

(3) The Fund *shall* be used for the surveying and mapping, purchase and installation of infrastructure, including paved access roads and commercial development, of Guam Ancestral Lands Commission properties, and for the administrative, operational, and financial support of these efforts.

(4) The Commission *shall* submit a report on a semi-annual basis to the Speaker of *I Liheslaturan Guåhan* of the revenues collected and expended from the Fund, and post the same on the website of the Guam Ancestral Lands Commission. The Fund *shall* be subject to audit by the Guam Public Auditor.

SOURCE: Added by P.L. 25-045:3 (June 9, 1999). Subsection (c) repealed and reenacted by P.L. 25-178:4 (Jan. 3, 2001). Subsection (h) added by P.L. 34-108:2 (June 5, 2018).

2017 NOTE: Subitem designations altered pursuant to the authority of 1 GCA § 1606.

§ 80105. Transfer of Property to the Guam Ancestral Lands Commission.

(a) Except in such circumstances where existing roads or easements may have been transferred to the Department of Public Works, any properties conveyed to the jurisdiction of the Department of Public Works in the area of Tiyan, formerly known as Naval Air Station, Agana (Brewer Field), are transferred to the Guam Ancestral Lands Commission and shall be deeded to the Guam Ancestral Lands Commission upon the effective date of this Act. The Guam Ancestral Lands Commission shall dispose of properties transferred pursuant to this Act in a manner consistent

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with and pursuant to the enabling legislation of the Guam Ancestral Lands Commission.

(b) Portions of Parcel 1 South of Route 18 and contiguous to the North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the east, specifically original Lots 159 and 159-1, all in the municipality of Piti. The property shall be transferred and shall be deeded to the Guam Ancestral Lands Commission within thirty (30) days of the effective date of this Act. The Guam Ancestral Lands Commission shall within one hundred eighty (180) days dispose of the land parcels and lots transferred by this Act in a manner consistent with and pursuant to its enabling legislation and its mandates. All pre-condemnation roads, easements and bull cart trails shall remain as easements for public access and utilities. The transferred property shall be zoned “A” – Agricultural zone.

(c) Portions of Parcel 1 South of Route 18 and contiguous to the North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the east, specifically original lot: No. 166, originally owned by the Estates of Jose C. Leon Guerrero; Joaquin C. Leon Guerrero; Gil C. Leon Guerrero; Antonio C. Leon Guerrero; Filomena C. Leon Guerrero; Wenceslao C. Leon Guerrero and William C. Leon Guerrero. The property shall be transferred and shall be deeded to the Guam Ancestral Lands Commission within thirty (30) days of the effective date of this Act. The Guam Ancestral Lands Commission shall within one hundred eighty (180) days dispose of the land parcel and lot transferred by this Act in a manner consistent with and pursuant to its enabling legislation and its mandates. All pre-condemnation roads, easements and bull cart trails shall remain as easements for public access and utilities. The transferred property shall be zoned “A” – Agricultural zone.

(d) Portions of Parcel 1 South of Route 18 and contiguous to the North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the east, specifically original lot: No. 135-1, originally owned by the Estate of Caridad Quitugua Hart, in the municipality of Piti. The property shall be transferred and shall be deeded to the Guam Ancestral Lands Commission within thirty (30) days of the effective date of this Act. The Guam Ancestral Lands Commission shall within one hundred eighty (180) days dispose of the land parcel and lot transferred by this Act in a manner consistent with

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and pursuant to its enabling legislation and its mandates. All pre-condemnation roads, easements and bull cart trails shall remain as easements for public access and utilities. The transferred property shall be zoned “A” – Agricultural zone.

(e) Portions of Parcel 1 South of Route 18 and contiguous to the North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the east, specifically original lot: No. 136-A PI, originally owned by the Estate of Juan San Nicolas Manibusan, in the municipality of Piti. The property shall be transferred and shall be deeded to the Guam Ancestral Lands Commission within thirty (30) days of the effective date of this Act. The Guam Ancestral Lands Commission shall within one hundred eighty (180) days dispose of the land parcel and lot transferred by this Act in a manner consistent with and pursuant to its enabling legislation and its mandates. All pre-condemnation roads, easements and bull cart trails shall remain as easements for public access and utilities. The transferred property shall be zoned “A” – Agricultural zone.

(f) Portions of Parcel 1 South of Route 18 and contiguous to the North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the east, specifically original lot: No. 136-A 2 PI, originally owned by the Estate of Caridad Quitugua Hart, in the municipality of Piti. The property shall be transferred and shall be deeded to the Guam Ancestral Lands Commission within thirty (30) days of the effective date of this Act. The Guam Ancestral Lands Commission shall within one hundred eighty (180) days dispose of the land parcel and lot transferred by this Act in a manner consistent with and pursuant to its enabling legislation and its mandates. All pre-condemnation roads, easements and bull cart trails shall remain as easements for public access and utilities. The transferred property shall be zoned “A” – Agricultural zone.

(g) Portions of Parcel 1 South of Route 18 and contiguous to the North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the east, specifically original lot: No. 128 PI, originally owned by the Estate of Tiburcio Ada Santos, in the municipality of Piti. The property shall be transferred and shall be deeded to the Guam Ancestral Lands Commission within thirty (30) days of the effective date of this Act. The Guam Ancestral Lands Commission shall within one hundred eighty (180) days dispose of the land

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parcel and lot transferred by this Act in a manner consistent with and pursuant to its enabling legislation and its mandates. All pre-condemnation roads, easements and bull cart trails shall remain as easements for public access and utilities. The transferred property shall be zoned “A” – Agricultural zone.

(h) GLUP Parcel 1AF, a portion of Andersen Air Force Base Communications Annex No. 2-AJKE, consisting of approximately 252.83 acres, and certain Federal surplus real property located in Barrigada, known as the NAVCAMS WESTPAC Parcel IN, consisting of approximately 61.45 acres shall be transferred and deeded to the Guam Ancestral Land Commission (GALC) within thirty (30) days of the enactment of this Act. The GALC shall dispose of the land parcels and lots transferred by this Act in a manner consistent with and pursuant to its enabling legislation and its mandates.

(i) Portions of Parcel 1 South of Route 18 and contiguous to the North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the east, specifically original lot: No. 127 PI, originally owned by the Estate of Maria Salas San Nicolas, Antonia Salas San Nicolas, Carlina San Nicolas Rapolla, Joaquin S. San Nicolas, Juan S. San Nicolas, Maria S.-CI# 8383, San Nicolas, Dolores Wusstig San Nicolas, Rosario San Nicolas Iriarte, Consolacion S. San Nicolas, Ignacia San Nicolas Afleje, Dolores C. San Nicolas, and Ana San Nicolas Sanford, in the municipality of Piti. The property shall be transferred and shall be deeded to the Guam Ancestral Lands Commission within thirty (30) days of the effective date of this Act. The Guam Ancestral Lands Commission shall within one hundred eighty (180) days dispose of the land parcel and lot transferred by this Act in a manner consistent with and pursuant to its enabling legislation and its mandates. All pre-condemnation roads, easements and bull cart trails shall remain as easements for public access and utilities. The transferred property shall be zoned “A” – Agricultural zone.

SOURCE: Added by P.L. 27-113 as section 80106, renumbered by Compiler to vacant section 80105. Subsections (a) and (b), numbered and added, respectively, by P.L. 30-096:2 (Mar. 12, 2010). Subsections (c) and (d), added by P.L. 30-142:2 (May 12, 2010) and P.L. 30-150:2 (May 12, 2010), respectively. Subsections (e), (f), and (g), added by P.L. 30-205:2 (Dec. 13, 2010), P.L. 30-206:2. (Dec. 13, 2010), and P.L. 30-207:2 (Dec.

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13, 2010), respectively. Subsection (h) added by P.L. 31-134:2 (Nov. 17, 2011). Subsection (i) added by P.L. 32-013:2 (Apr. 11, 2013).

§ 80106. Comprehensive Zoning Plan.

(a) A Provisional Commission for the Zoning of Ancestral Lands, hereinafter referred to as the “Provisional Commission”, is established to include the Executive Director of the Guam Ancestral Lands Commission, the Director of Land Management, the Administrator of the Guam Environmental Protection Agency, the Director of Agriculture and the Director of the Bureau of Statistics & Plans. The Executive Director of the Guam Ancestral Lands Commission shall serve as chairperson of the Provisional Commission. Members of the Provisional Commission shall assign employees from their respective departments to assist the Commission in its work.

(b) The Provisional Commission shall complete a comprehensive zoning plan for all properties and parcels under the jurisdiction of the Guam Ancestral Lands Commission, including parcels that have been previously deeded to ancestral land claimants in accordance with the statutes, rules and regulations governing the Guam Ancestral Lands Commission but have not, as of the effective date of this Act, been zoned or rezoned by any means. If a parcel under the jurisdiction of the Guam Ancestral Lands Commission, including parcels that have been previously deeded to ancestral land claimants in accordance with the statutes, rules and regulations governing the Guam Ancestral Lands Commission, has been previously zoned or rezoned by any means other than that mandated herein, said parcel shall not be rezoned by the comprehensive zoning plan mandated by this Section.

(c) In formulating the comprehensive zoning plan, the Provisional Commission shall request and consider the opinions of all affected ancestral land claimants. The Provisional Commission shall conduct hearings and present a draft zoning plan to claimants before it adopts the plan.

(d) The Provisional Commission shall approve the plan by the affirmative vote of at least three (3) of the five (5) members before transmittal to the Ancestral Lands Commission.

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(e) After the Provisional Commission approves the comprehensive zoning plan, it shall transmit the plan to the Ancestral Lands Commission, which shall approve the plan by a resolution signed by a majority of its members. The Ancestral Lands Commission shall attach this resolution to the plan and transmit the same to *I Maga'lahi*.

(f) *I Maga'lahen Guåhan* shall approve the comprehensive zoning plan by a written memorandum which he shall attach to the plan and the approval resolution of the Ancestral Lands Commission and transmit the same to *I Liheslaturan Guåhan*.

(g) The comprehensive zoning plan mandated by this Section shall be subject to the approval of *I Liheslaturan Guåhan* in bill form.

SOURCE: Added by P.L. 28-133:1 (July 11, 2006) as § 80105; recodified to this section by the Compiler pursuant to the authority granted by 1 GCA § 1606.



SENATOR THERESE M. TERLAJE

COMMITTEE ON HEALTH, TOURISM, HISTORIC PRESERVATION, LAND AND JUSTICE
I MINA' TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Health, Tourism, Historic Preservation, Land and Justice convened a virtual public hearing on Friday, August 7, 2020 beginning at 1:00 PM in *I Liheslatura's* Virtual Conference Platform. Among the items on the agenda was the consideration of the appointment of Ronald F. Eclavea to serve as a Member, of the Guam Ancestral Lands Commission, and whose appointment history is as follows:

- Appointed by *I Maga' Hågan Guåhan* on July 24, 2020 to serve Four (4) years; March 27, 2020 to March 26, 2024;
- Appointment packet forwarded to *I Liheslatura* on July 28, 2020;
- Appointment packet forwarded to this committee for public consideration on July 29, 2020.

Public Notice Requirements

Notices for this Confirmation Hearing were disseminated via email to all senators and all main media broadcasting outlets on Monday, July 31, 2020 (5-day Notice) and again on Wednesday, August 5, 2020 (48-Hour Notice). The notice was also published in the Guam Daily Post on Monday, July 31, 2020 and Wednesday, August 5, 2020.

Senators Present

Senator Therese M. Terlaje, Chairperson
Senator Sabina F. Perez, Co-Chairperson
Senator Telo T. Taitague

Appearing Before the Committee

Ronald F. Eclavea, Appointee
John Burch, Acting Director, Guam Ancestral Lands Commission

Written Testimony Submitted

John Burch, Acting Director, Guam Ancestral Lands Commission

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II. SUMMARY OF TESTIMONY & DISCUSSION

The virtual public hearing was conducted via Zoom and also broadcast live via YouTube. The hearing was called to order at 2:30 p.m. Chairperson Therese M. Terlaje presented the agenda items that would be heard during the hearing. The appointment of Ronald F. Eclavea to serve as a Member of the Guam Ancestral Lands Commission was the fourth item on the agenda. Mr. Eclavea's appointment hearing was held in tandem with Anita F. Orlino, who has also been nominated to serve as a member of the Guam Ancestral Lands Commission.

Chairperson Therese M. Terlaje: So, we'll begin with the nomination of Anita F. Orlino, Appointee. Ms. Orlino, I want to thank you again for accepting this reappointment to the board. You've been reappointed to serve for four years beginning March 27, 2020 to March 26, 2024 and if you have some testimony that you would like to provide you may do so at this time. Ms. Orlino if you can, Ms. Orlino if you could unmute yourself and state your name for the record please.

Anita F. Orlino, Appointee: I'm Anita F. Orlino, appointee and I like to thank you for the confidence and the nomination for the Guam Ancestral Lands Commission as a board member.

Chairperson Therese M. Terlaje: Thank you, can you tell us maybe what has been your experience as a board member, what do you believe you've been able to accomplish as a board member and why we should reappoint you?

Anita F. Orlino, Appointee: For the reappointment, I believe that with the Guam Ancestral Lands Commission, it's a very sensitive issue and these are the properties that belong to our ancestors. It is my belief that it should continue on to right the wrongs and to give these ancestral lands back to the rightful owners. In my heart, I'm very passionate about that. Especially for those looking and saying when would it come back. So, I believe that that is my goal.

Chairperson Therese M. Terlaje: All right thanks you. Senator Taitague did you have any questions or comments?

Senator Telo T. Taitague: Thank you, Madam Chair, for the opportunity and thank you Anita for continuing on and serving. How are you?

Anita F. Orlino, Appointee: I'm good. How are you?

Senator Telo T. Taitague: I'm good. I just wanted to thank you for all the hard work you've been done in the past and willingness to continue on serving. You have a wealth of knowledge as well and it's good to keep that consistency and I appreciate it. So, I really don't have any questions at this time and Madam Chair if I may, I fully support Anita's nomination as well as Mr. Eclavea, Ronald F. Eclavea, Appointee. Thank you again Ron. I have to go to another meeting, but I will definitely review the tape to see if there's anything that you said that I didn't like. I doubt it though, but I tell you any time I needed any questions asked, Ron answers his phone, he tells me what's going on.

So, it's nice to have someone I can just call on the phone and find out what's going on. That's Mary in the background. Hey Mary, you're awake. I see her in the back, and I thank you Mary for allowing him to serve on this board again. I know it takes up a lot of his time, but I really appreciate the support that you're giving your husband to continue to serve as well. It's important to have family to back you up on this and I know both of your spouses are very supportive of your work. So please continue on and thank you again, Madam Chair for the opportunity. Good luck to you. You have my support. Thank you.

Chairperson Therese M. Terlaje: Thank You. Senator Perez?

Vice Chairperson Sabina Perez: Hi. Madam Chair, thank you and hello to Anita. This is my first time meeting you, so if you can give me a little bit of background. How long have you been serving on the Ancestral Lands Commission?

Anita F. Orlino, Appointee: I've been there for well over ten years since the onset. I'm also an ancestral landowner and I have some property. When we were first formed back in 1999, I followed through... (inaudible). So, you know, I would like to see it through. (Inaudible).

Vice Chairperson Sabina Perez: Okay that's great to hear you have the dedication and the tenacity to see this through. You must have seen a lot through the ten years that you were there. Has it gotten easier through the years? What were some of the lessons learned or if you can share some of those experiences in regard to resolving or at least getting land back to the original landowners? Are there some things that you would like to share as far as maybe some of your accomplishments that you felt were important?

Anita F. Orolino, Appointee: First and foremost, it gets easier in time to do like a title hearing and then getting the people to come in and apply, to submit their application. The only a little roadblock is when we cannot find landowners to tell them to come in and submit an application. That's the hardest part because from my understanding most of them might not live here and they don't know what's going on here.

So what we try to do is try to send it out on social media or do some Mayor's office posting, trying to let them know to come in so that they could submit an application so that we could start moving to do a title hearing and everything. But that's the roadblock, that we cannot locate landowners. Either than that, it is very heartwarming when you see the landowners smiling.

Vice Chairperson Sabina Perez: With regard to working with the other members, are there any issues that come up and how are they resolved typically? Let's say there's perhaps not a disagreement but you don't see things the same way I suppose. How is that resolved amongst the board members?

Anita F. Orolino, Appointee: Well yes, we do some time lock horns but at the end of the day, we all all know that we're there for that purpose. We'll take a break and then we just look at each other and say, "Hey we're here for the landowners not for ourselves." So, we have to work hand in hand. Let's work together and not against each other. And we do. We're good. We have real good working board members.

Vice Chairperson Sabina Perez: Okay what are your thoughts about the Ancestral Lands Commission being an autonomous agency? What are your thoughts about that?

Anita F. Orolino, Appointee: It could work both ways. Especially if they're going to do something especially with this land. If it's going to work for these people. It could work both ways.

Vice Chairperson Sabina Perez: Okay. All right, I think that's all my questions for now. Thank you. It's nice to meet you.

Anita F. Orolino, Appointee: You too. Thank you.

Chairperson Therese M. Terlaje: Thank you Senator. Anita, I'm going to recognize the Acting Director Birch. Is he present today? Acting Director, thank you for being here with us

today and for your assistance in this hearing and for the letter that you sent to my office preceding the hearing regarding the budget of the Ancestral Lands. So just to update everybody, when the Acting Director came in for the budget hearing, we pretty much put that on hold because he wanted to go back to BBMR and revise some of the numbers. And so, we have that, and I haven't had the chance to look at it very closely, but it looks like you had some clarification from BBMR that you are not able to use certain revenue, the special funds revenue for operations?

Acting Director John Burch: Exactly, yes ma'am. Yes, Senator. And, that is why I believe that the BBMR they said that they will include in the budget law when they submit the budget to the committee as a whole, a requests to use fifty percent of the APNC and the instructions were to place the AT&T settlement funds and old leases collected through the fiscal year into the land bank. And that is the way the budget analysts see it and auditors that I spoke to. And although we do have our attorney, Nick Toft who disagrees, I tend to side with the budget analysts and the auditors because they'll be the ones coming in a month or two to audit us again and I want to make sure that we have a clean audit as best I can. So, we're still setting up our offices. Hopefully September or maybe early October we'll have it on the third floor. Right now, Ms. Orlino and I are on the seventh floor in our temporary office within Department of Land Management. We're still getting things together, but we've got all the financials down and as soon as we get a Commission, we'll be able to fix the AT&T issue and we'll also be able to have access to our funds in Coast 360. But until we can get a Commission- a quorum of a Commission then I will not, and the Commission will not have any access to it. We need the new signatories. So, that's another issue.

Chairperson Therese M. Terlaje: Okay. Can you update. The last time we had a confirmation hearing for one member, I was told she's the only member now on the board. Is that correct?

Acting Director John Burch: No, we have two, Louisa Wesling and Angie Camacho. So, I would have four. I need four for operations. So, with Mr. Eclavea and Ms. Orlino that would give me opportunity to work on that but to do any land leases, I would need five.

Chairperson Therese M. Terlaje: Okay, appreciate that input. Thank you.

Acting Director John Burch: So, if you can get them confirmed before the end of the fiscal year, I could clear things up before the next audit. I would like to come up with a clean audit.

Chairperson Therese M. Terlaje: Okay, I understand. Thank you. I'm going to allow now Mr. Eclavea to give some testimony before I ask any additional questions. I'd like you to give your testimony and then we might get into a little bit of these items. Thank you. Mr. Eclavea.

Ronald F. Eclavea, Appointee: Yes, Senators how are you considering the restrictions we have at the COVID? This is actually my first time on a Zoom call, a video call but it's pretty interesting. I've been on audio calls before, but this is pretty cool. Anyway, twenty years, close to twenty years, we've been on the board. So, it's not without our you know controversies. You know, we've made some mistakes, but I think we've overcome those mistakes. We just got to deal with it. It's very trying but I think now we're on smooth sailing. We want to follow the mandates of the enabling legislation. Basically, to follow it to the T, and the will of the people. Basically, to serve in the highest capacity we're able to make prudent decisions with our fiduciary duties to the trust and to be faithful to those duties. So, I appreciate the privilege and honor to be reappointed.

Chairperson Therese M. Terlaje:

Do you feel that the board is able to accomplish its mandates? I mean it's very perplexing that we went down to a not even a quorum left on the board. But, in normal operations, do you feel that the enabling statutes are allowing you to function as necessary?

Ronald F. Eclavea, Appointee: Well I think what's probably still legal in the enabling statute because we have some legal issues as you know Senator, with the rules and regs. But I think as far as our duties to return excess federal lands to the original landowners, I don't think we will have any hindrance there regarding this issue. But how the beneficiaries are going to receive those funds that we generate through these crown lands, that's a different matter that we have to resolve with the Legislature, of course. But we're on the right track.

Chairperson Therese M. Terlaje: Okay great. What about Ms. Orlino and Mr. Eclavea, tell me from each of you what you feel you've accomplished? I mean let's brag a little about this Ancestral Lands. Do you think it's if you think it's been successful? Tell me a little bit about that.

Ronald F. Eclavea, Appointee: Okay. I'll go ahead first if it's okay. Basically, I think we really accomplished a majority of returning the excess federal lands in our inventory. Now it's just a matter of finding and locating those landowners that have not come in and made claims.

We still have some properties to give out. I don't think they're that much, but we still have some to give out. We have to locate them. So as far as our mandate to return the lands, we're at a snail's pace now. Before we were inundated with hearings and now, we barely have any hearings. We could go five, six months without a hearing to return lands. But now we're just trying to generate revenue to our leases and to our crown lands and bring revenue to the Trust for those who are not going to receive their lands back.

Chairperson Therese M. Terlaje: All right. Ms. Orlino, do you believe we could do better with regard to the original mission of getting the land claimants to come in, as you said earlier or dealing with their claims? Or do you feel like those have been pretty much accomplished?

Anita F. Orlino, Appointee: It's only a few and we're going to try to work as hard as we should. We need to exhaust all means to get attention even if we pass it on asking people because it is very important because there's only a few left. All the others, we worked so hard to give them back, but these are the ones that we need to come out and reach to them and we'll start all things this time around. We need to because it is very important that we also give those compensations to who will never realize their land that are not returned. But if there's others that are out there who it could be returned to them. It will be a blessing if we could reach them.

Chairperson Therese M. Terlaje: All right. There was a list of properties developed years ago when the Department of Defense was talking again about the *One Guam* approach and they made a list of properties for potential return. Has the Ancestral Lands Commission reviewed that at all or had any input?

Anita F. Orlino, Appointee: Well, we've been following up and it's just a matter of time and we will try again because we're concentrating right now on the rules and regs, which will set the fund for those things and we really need it and I think it's on its way?

Acting Director John Burch: Yes, Senator, we can have it ready. Nick Toft has worked on some language to adjust the enabling act. If you'd like us to send it over to your office, I can have that out.

Chairperson Therese M. Terlaje: But I think you're talking about a different topic. You're talking about rules and regulations for use of the revenue.

Acting Director John Burch: Okay, you're talking about the properties that ... We did get a list from GEDA that I was going over about properties in the Federal inventory that may be returned. I just got a copy of this the other day and I've been reading through it. I'll provide Ms. Orlino with it.

Chairperson Therese M. Terlaje: Yes. No thank you. What I wanted to know is these commissioners who've been on the Commission for almost twenty years. We've been following this for many years now. I think at least ten years. I just wanted to know, have they had any input as to any properties for return?

Ronald F. Eclavea, Appointee: We had hints of it from GEDA, but I think the Acting Director said he just got that list and we got hints from GEDA that there's some movement about some potentially returnable lands, but we never got any more information than that.

Chairperson Therese M. Terlaje: Okay but there was a list created years ago. So, you're saying the Commission had no input in the list that was created years ago?

Ronald F. Eclavea, Appointee: For potential return from the military?

Chairperson Therese M. Terlaje: Yes.

Ronald F. Eclavea, Appointee: I don't... Well, we're always trying to get any lands from the military. We're always active in pursuing getting all the lands back. But as far that information you're talking about...

Chairperson Therese M. Terlaje: Well, how are you active? That's what I'm asking. How are you active in pursuing that?

Anita F. Orlino, Appointee: Okay, the report on this potentially releasable federal land just came out on July 2019.

Chairperson Therese M. Terlaje: Right. I'm not talking about that. I just want to know if the board finds any part of its duties to pursue that type of thing.

Ronald F. Eclavea, Appointee: Something like that, I think maybe it's implied. I don't see it in the enabling legislation, but we are, we've been pursuing. We've been requesting from the

Director. We've been pursuing that. We've been pursuing even to the Congress, to our representative. Whoever was in. We've actually been requesting to see if they can assist in further acquisitions of those properties that are even non-excess properties. Those that are deemed non-excess. Yes, we've been very active in constantly trying to get updates on the returns of these lands.

Chairperson Therese M. Terlaje: Okay. Can you just describe what the impediment is for the remaining land that you need to find the landowners of? Are the records not available? Are they not clear or are we not able to contact the heirs? What exactly is it?

Ronald F. Eclavea, Appointee: The way it seems to me is that a lot of them don't... We don't have the resources to try... What we've done is we've went through social media and newspapers. We put out ads and we did get some responses. So, I think we can continue in that manner but a lot of these, some of these landowners we've gotten ahold of didn't realize they had lands.

So, I think a lot of these remaining lands, I think either they are naive to the process and maybe they just don't want to go through it. Or it's a process, it's tough. I don't see why people don't want to come in and just make claims for their land and get it back. But we're seeing that we're making some progress. Maybe not as much but with I think the most we can do is continue to try to reach out to people through social media, advertisements, our website and try to find these people that own these lands. I just don't know why they're not coming through. I wish could give you an answer to that.

Chairperson Therese M. Terlaje: I understand. Okay, so let's talk now about the other lands in your inventory. I think some of them are crown lands. So, you can tell us about AT&T lease. Just tell us from your perspective as board members. How do you feel about handling these crown lands? Do you feel like you're able to do that? That you're able to pursue what you need to pursue according to your legislation? I know that there have been some recommendations to change the law so that it's very clear who the beneficiaries are, what percentage that they each might be. Would that type of thing be forever or does it ever end? What's the value? That type of thing. But you know, without getting into that. Just in general as a board member. Do you feel this is something the board is going to be able to handle, to manage the land? In other words, do you think we need additional expertise, or do you think this was set up appropriately, at this point? Mr. Eclavea can you give us an idea of how much land is in that category?

Ronald F. Eclavea, Appointee: We have about maybe 400 up in *Finegayan*. There are another 300 in the back road. We have about maybe about 1,500 to 2,000 acres, I would think. Don't quote me on that but I think that if we work with you, we work with the Legislature, I think

we could solve the issues at hand right now. As far as finding out just exactly who the beneficiaries are, how they're going to get just compensation, whether it's going to be extinguished, how we're going to extinguish it or whether it's going to be perpetual. Because there is an issue with appraisals of land on base.

I brought in professional organizations, the appraisal companies and they were all just dumbfounded. They couldn't do it and we were stuck. How are you going to extinguish someone's claim without having a firm number? And with regard to your question about and the Senators' question about how we resolve issues. Yeah, sometimes it turns into a shouting match. Then we get our heads back together. You know, we we've taken apart the whole enabling legislation all over. I don't think there's anybody that's ... Well there might be I guess someone that come in. But I think with the legislature we could easily come to a solution with how we're going to resolve this situation so that everybody's happy.

Chairperson Therese M. Terlaje: All right. It does sound to me like it's due time. It's going to be another one of these big policy implementations that was not totally foreseen. And, I think we need to get consensus on it. So, this is the beginning.

Ronald F. Eclavea, Appointee: Senator, for years we've been wrangling our heads over the rules and come to find out after so many years, it's not enforceable. I mean we were trying to get legal counsel and everybody to give input. Are we just banging or wasting...? We were stuck. So, we had to make do with what we had. And then when we finished it, it wasn't legal. Now it's in your court.

Chairperson Therese M. Terlaje: Yes. From what I've seen and of course, this is the first time, I'm chairing this Committee as a Senator, but from what I've seen over the years, the Commission's worked very hard, very diligent in getting the claims extinguished. But on this issue, they've also worked very hard, as you said, developing rules and regs and trying to implement things even brought to court, I think. But, yes.

Ronald F. Eclavea, Appointee: Many times, and we're still in court. So, the board members, all of the board members, their heart and their desires are unmatched. Seriously, we've worked for over 10 years without stipends. That's how dedicated this board is and then you know when we had the budget crisis. So, all of the board members, previous board members and the existing board members, as far as their dedication, there's no question about it.

Chairperson Therese M. Terlaje: Okay. For me there's several ways we can go as to extinguishing these other claims- the ones they're not going to get, just for the public. We're talking about ancestral landowners who are not going to get their properties returned to them but because the Government of Guam has decided to keep those properties in public use. For example, the airport. And maybe you can give us some other examples Ms. Orlino of that type of property that we've kept. When these ancestral landowners have continued claims. What are other examples of that?

Anita F. Orlino, Appointee: With the crown lands right now with our land bank, what we're trying to do is just compensation. And that's why we're trying to work with the remaining 2,600 acres left. We managed to, we lease it out to the highest objectives and that's so we could compensate the other landowners who one way or another, would never realize their land. So, we have to work with that. That's why we're struggling right now to get those rules and regs. So that we could start compensating those people because it's taking too long already. With all these lands, the crown lands and leases and everything, maybe we could really work out and see how we can compensate them, those that would not realize their land back. Unlike the others that are enjoying it right now, we look at them because they're ones that have not been returned and then the second one, the ones that would not realize due to the fact that either the U.S. Government or the Government of Guam is still using it. So, we have to do the highest use for this land so that we can lease it out and get all those funds coming in and then we can work from there with the rules and regs to compensate them.

Chairperson Therese M. Terlaje: Okay. Can we talk about one of these lands that's being leased to AT&T. We saw in the news that recently there was a settlement with AT&T for fees or rental that was not paid for several years. This seems to be resolved now and you're supposed to be receiving income. But you know there was an audit by the Office of Public Accountability, and it looks like for FY 2019 they state your revenues of course and that in FY18 there was an increase due to base lease rental resulting from the settlement agreement with AT&T.

The audit also reports an increase in expenditures by \$900,000 due mainly to an increase of \$725,000 or a 712 percent increase in management fees incurred by the Guam Ancestral Lands Commission for GEDA services, the Guam Economic Development Authority. GEDA's increased fees pertain to AT&T lease payments and in a 2006 memorandum with GEDA, it looks like that is when that percentage was agreed to. So, according to the audit the Commission was to re-evaluate GEDA's role relative to its property management services on Ancestral Lands Commission leased properties. That was the recommendation

of the auditor at that time. Can you tell me what the status of this renegotiation of the GEDA management fees is at this point?

Anita F. Orlino, Appointee: On a month-to-month basis. We'll come back to AT&T, the money. We do have it in our plan already. Throughout well over \$4 million with GEDA right now which is 14%. So, if you look at the money from AT&T it's more like \$900 thousand since they're the property managers. So, that's the charge of the 14%.

Chairperson Therese M. Terlaje: Has this been renegotiated since 2018, the GEDA MOU?

Anita F. Orlino, Appointee: We are month to month right now and the MOU has expired. So, we are going month to month right now and we will try to figure it out.

Chairperson Therese M. Terlaje: Okay so that was the recommendation of the audit. Mr. Eclavea can you give us your input. This was a recommendation by the auditor. It looked like Ancestral Lands at the time agreed that they were going to try to re-examine or reevaluate that. Do you think this needs to be reevaluated or it's done being reevaluated? What's your opinion on this one? Mr. Eclavea I can't hear you. Wait Ron, okay there you go.

Ronald F. Eclavea, Appointee: I think one of your people unmuted me or something. Okay we've had several discussions with GEDA on trying to renegotiate the 14.3%. So, we've been getting some conflicting information Well let me say that it's too high. We had we had the former Chair of the Land Committee say the same thing, that it was too high. Several people said it was too high. Some professional property manager said it was kind of high. So, we did bring it up to GEDA and they gave us their justification for the 14.3% and basically, they could not budge on that 14.3%. They gave their reasons why and it seems plausible. But as the board members, we're not sure. We are on a month to month right now. We could go with another property manager, but we never got to that point. We were we were still negotiating and picking it through. We haven't moved on it yet. That's why they're in a month-to-month. Throughout the years, in the beginning we were criticized because we weren't running things properly with procurement and so we got GEDA to come in and help us. So that's a one big headache about the procurement and these vendors and people that want to lease the properties. That's where we're at right now. We could still go with a private company or stick with GEDA and hopefully maybe we can still renegotiate it with GEDA. But in essence, they've said it's justified, the 14.3%. That's where we are at.

Chairperson Therese M. Terlaje: All right. These fees that the auditor talked about with GEDA were only for the lease with AT&T. So, GEDA also manages other leases for you, is that correct or other properties for you?

Ronald F. Eclavea, Appointee: I think it applies to all of it. All the 14% applies to all.

Chairperson Therese M. Terlaje: Right, so for all of the rental income that the Ancestral Lands is supposed to receive, GEDA is getting a 14.3%? And I understand when they help you with the RFP, the solicitation for lessees of these properties. But after the property's leased, what do you think GEDA's role is at that time? For example, with AT&T. What's GEDA role right now in your AT&T lease besides collecting the rental amount?

Ronald F. Eclavea, Appointee: I think that's their role, collecting the rental amount now.

Chairperson Therese M. Terlaje: All right, we just saw an announcement of a settlement for back pay because the rental amount was not collected for you it seems like quite some time because the settlement was quite significant. Is that correct?

Ronald F. Eclavea, Appointee: I guess the return kind of like slipped under the radar for some reason. So, a few years ago it was brought up to our attention that we got these lands back. Just being honest and we were ... (inaudible due to background noise).

Chairperson Therese M. Terlaje: Say that again Ron. Could you say that again?

Ronald F. Eclavea, Appointee: I think AT&T throughout the years have been preparing for it, that the fact that the land was transferred. I think it slipped their radar too because from what I heard they were planning but missed the boat on getting the military to not release that section of the property, which was too late because they did. And so, AT&T is answerable to us now. But I think AT&T is fine with it. But yes, it was since many years and I think that for me the negotiation was pretty good. They owed us about maybe \$5.2 and it came down to \$4.8 or something. I think what they wanted was \$1.6 or something. So, coming out with that number was pretty fair, decent. I'm happy with it to be honest.

Chairperson Therese M. Terlaje: Well I'm just still concerned about the auditor's report. So, I ask you board members that you review that and if you need help then we get some help because I think it's important.

Ronald F. Eclavea, Appointee: You're talking about the 14 percent?

Chairperson Therese M. Terlaje: Yes. Because every dollar that goes outside of your Commission is a dollar that's not going to the people who are the beneficiaries. Correct? That's my concern. We've got to get the best deal possible because the beneficiaries have been waiting a long time and so that's it.

Ronald F. Eclavea, Appointee: Okay.

Chairperson Therese M. Terlaje: Yes, and so right now Mr. Birch, the Acting Director told us at the last budget hearing that he is the only staff at the Ancestral Lands at this point. Is that correct?

Ronald F. Eclavea, Appointee: We're in the we're in the dark with that as far as the board members are concerned.

Chairperson Therese M. Terlaje: Okay, we will follow up then later after you both get settled in and the Board's able to act. Then we can then follow up with any gaps. I was just going to ask about you know there were increases in salaries in in past couple years and I wanted to know about that, but we'll talk about that later then.

So, I just you know I know that there's a push by BBMR to get you to use these rental payments for your operations and things like. I would caution you to be very frugal because this is money that beneficiaries have been waiting for and we have to resolve the beneficiary issues before we obligate these funds for expanded operations or anything else. And of course, you need to meet your mandates so, I am all for that.

But I just think these are times when we have to justify every penny pretty much because we are acting as in a fiduciary capacity. It's a fiduciary capacity not like a regular government of Guam agency where you can spend the money. This is not at all like that. You're going to have to answer to these fiduciaries as to why any income has been or is being diverted. So, it's almost a bigger burden on you as trustees. And so, I you're here for your confirmation hearings and I want to hear if you are up to

that task to re-examine again the use of all funds and if this is appropriate at this point.

Ronald F. Eclavea, Appointee: Yes, so we're trying to be very responsible because we need resources, right? In order to for the highest and best use of the lands and for us to generate revenue, we need the proper resources. We don't really have a conference room right now. I think the Acting Director is moving on that now and I think we do now have a small office, if I'm correct. But we haven't met since the since the COVID-19. We need to have staff and we need the resources. So, if we if we must tap into it for the benefit of the beneficiaries, then I think and it gives us a better end goal, I think that should remain an option because we need to function.

If we're not going to get the money from the government then we need to find a way to continue. We cannot be limping around, and we need resources. So, I think that's where we are at right now. But the board even spending a dime, we would argue. We would go through it with a pink and purple passion. Like, "Wait a minute, what's that ten dollars going to?" So, the board is very responsible in that manner.

Chairperson Therese M. Terlaje: Good.

Ronald F. Eclavea, Appointee: Reminding us of that is a great help though of course.

Chairperson Therese M. Terlaje: Okay, good. Because these are, they're going to be tough times all around the government. But with this Commission, I want you to function, but I want you to be creative also. Where you can share resources, do that. Your mission has changed. You're not having your hearings every day like you used to extinguish claims. Now it's a whole other ballgame. Now you're managing property. Now you're managing income and we don't need to grow into a giant organization to do that. We just need a very streamlined one. So that's all. I'm just trying to encourage you.

Ms. Orlino, are you up to this? To do this again. Can you turn off your mute button?

Anita F. Orlino, Appointee: Yes, I'm sorry. We'll be very structured. We're going

to make sure there is accountability. It's not about us, it's the people. That's why we're here, for them.

Chairperson Therese M. Terlaje: All right. Well this is going to be a very important Commission at this point. Because like we've discussed, there's a big huge shift that may occur or that may get cemented in place, if we can get consensus. We are going to cement how we are going to finally deal with the remaining beneficiaries; those whose lands we are kind of determining will not be returned unfortunately.

I hope that you never lose your passion for seeking out lands that we can demand return. I intend to include it in the CHamoru Land Trust legislation that we're writing right now that's resolving land loss also. This is in no way relieving anybody of any duty to return lands to these ancestral landowners.

Okay, so I want to thank you for the many years of service. This is a really dedicated board and I know it comes from the heart. We've all, you and your families have suffered, and you have worked for all the rest of the families to get their lands and I appreciate all that work. I know it's not easy. It is a tough job to be to be the jury and the

and the researcher and the legal experts. That's what you all have to do in all these land claims and we're dealing with sometimes very complex matters.

So, I want to thank you and for putting up with being sued and the criticism. So, don't give up. I know it's tough and I'm hoping we're going to have a good board moving forward.

If there's anything else you would like to say Senator Perez, or well let's ask the nominees first. Ms. Orlino, is there anything else?

Anita F. Orlino, Appointee: No, I'm just saying if we could right one wrong, it would be perfect. If we could right one wrong and continue, right?

Chairperson Therese M. Terlaje: Thank you. Yes. Mr. Eclavea, any other comments?

Ronald F. Eclavea, Appointee: Thank you and your committee for having this hearing and of course the front office of the Governor for having a confidence in renominating us for another term and nice to meet you Senator Perez.

Vice Chairperson Sabina F. Perez: Thank you Madam Chair and it's nice to meet you too Mr. Eclavea. This has been a very interesting discussion and definitely anything that you need as far as getting the word out to the remaining claimants, I'm willing to provide some help or some ideas behind that. As far as the rules and regs, I'm looking forward to taking a look at those rules and perhaps providing some sort of input as well. So, thank you again for accepting the nomination. Thank you, Madam Chair.

Chairperson Therese M. Terlaje: Thank you Senator and thank you again to the nominees. And to the Acting Director, Mr. Burch, thank you very much for your services today. We are going to follow up with you on the budget after you are confirmed and then on the management of these rental properties.

There being no additional testimony, I'm going to consider these nominations heard. It is 3:18 pm. *Si Yu'os ma'åse'.*

The public hearing was adjourned at 3:18 PM.

III. FINDINGS & RECOMMENDATIONS

- Oral and written testimony in support of the appointment of Ronald F. Eclavea was submitted by John Burch, Acting Director of the Guam Ancestral Lands Commission.
- Ronald F. Eclavea has served as a Commissioner of the Guam Ancestral Lands Commission for over twenty years. Mr. Eclavea provided updates and answered questions posed by the Committee Chairperson with regard to legal challenges to the implementation of rules and regulations that are critical to fund the just compensation of dispossessed landowners; areas of concern relative to the FY2019 audit conducted on the Guam Ancestral Lands Commission by the Office of Accountability. In particular, the auditor's recommendation for reevaluation of GEDA services and fees paid by the GALC for property management services; the use of rental payments to fund GALC operations in FY20, other budgetary and staffing challenges; and the various outreach efforts of commissioners to locate potential landowners. Mr. Eclavea informed the Committee that these items are on the agenda for discussion and

reevaluation, once commissioners are confirmed and able to meet with a quorum.

- The Committee finds that Ronald F. Eclavea possess key knowledge, experience and continued commitment that will be beneficial to the mission and mandates of the Guam Ancestral Lands Commission.

The Committee on Health, Tourism, Historic Preservation, Land and Justice hereby reports on the appointment of Ronald F. Eclavea to serve as a Member of the Guam Ancestral Lands Commission, with the recommendation To Report Out Only.



SENATOR THERESE M. TERLAJE


Committee on Health, Tourism, Historic Preservation, Land and Justice
I Mina' trentai Singko na Libeslaturan Guåhan
35th Guam Legislature

COMMITTEE VOTE SHEET

Nomination of
Ronald F. Eclavea
to serve as a Member

Guam Ancestral Lands Commission

Term Length: Four (4) years; March 27, 2020 to March 26, 2024

	SIGNATURE	TO DO CONFIRM	TO NOT CONFIRM	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Therese M. Terlaje Chairperson	 October 2, 2020	✓				
Senator Sabina Flores Perez Vice Chairperson	E-Vote 10/3/2020	✓				
Senator Kelly G. Marsh (Taitano), Ph.D. Member						
Senator James C. Moylan Member	E-Vote 10/3/2020			✓		
Senator Louise B. Muña Member	E-Vote 10/3/2020	✓				
Vice Speaker Telená C. Nelson Member						
Senator Joe S. San Agustin Member	E-Vote 10/5/2020	✓				
Senator Amanda L. Shelton Member						
Senator Mary Camacho Torres Member						

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE- Appointment of Ronald F. Eclavea, Guam Ancestral Lands Commission

1 message

Louise Muna <senatorlouise@gmail.com>
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Sat, Oct 3, 2020 at 8:33 AM

Hafa Adai,

To Do Confirm.

Thank you.

On Sat, Oct 3, 2020, 8:14 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

Please see attached Committee Report for **Ronald F. Eclavea** as a **Member** of the **Guam Ancestral Lands Commission**.

Please indicate your preferred action, based on the following options:

- To Do Confirm;
- To Not Confirm;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response as soon as possible. Your responses will be logged into the Committee Report Vote Sheet for Ronald F. Eclavea, which will be filed with the Committee on Rules.

Si Yu'os Ma'åse'!

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE- Appointment of Ronald F. Eclavea, Guam Ancestral Lands Commission

1 message

James Moylan <senatormoylan@guamlegislature.org>
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Sat, Oct 3, 2020 at 12:27 PM

To report out only.

SYM.

On Sat, Oct 3, 2020, 8:14 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

Please see attached Committee Report for **Ronald F. Eclavea** as a **Member** of the **Guam Ancestral Lands Commission**.

Please indicate your preferred action, based on the following options:

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Si Yu'os Ma'åse'!

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE- Appointment of Ronald F. Eclavea, Guam Ancestral Lands Commission

1 message

Office of Senator Sabina Perez <office@senatorperez.org>
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Sat, Oct 3, 2020 at 10:49 AM

To do confirm

On Sat, Oct 3, 2020 at 8:14 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

Please see attached Committee Report for **Ronald F. Eclavea** as a **Member** of the **Guam Ancestral Lands Commission**.

Please indicate your preferred action, based on the following options:

- To Do Confirm;
- To Not Confirm;
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Please submit your response as soon as possible. Your responses will be logged into the Committee Report Vote Sheet for Ronald F. Eclavea, which will be filed with the Committee on Rules.

Si Yu'os Ma'åse'!

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

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--

Office of Senator Sabina Flores Perez

Committee on the Environment, Revenue & Taxation, and Procurement

I Mina'trentai Singko na Liheslaturan Guåhan

35th Guam Legislature

O: 194 Hernan Cortez Avenue, First Floor, Terlaje Professional Building, Hagåtña, Guam 96910

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T: (671) 989-2968

E: office@senatorperez.org



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Re: REQUEST FOR E-VOTE- Appointment of Ronald F. Eclavea, Guam Ancestral Lands Commission

1 message

Joe S. San Agustin <senatorjoessanagustin@gmail.com>

Mon, Oct 5, 2020 at 8:22 AM

To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Cc: Senator Sabina Perez <office@senatorperez.org>, "Office of Senator Kelly Marsh (Taitano), PhD." <office.senatorkelly@guamlegislature.org>, James Moylan <senatormoylan@guamlegislature.org>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telen Cruz Nelson <senatortcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Mary C. Torres" <senatormary@guamlegislature.org>

To Do Confirm

The Office of Senator Joe S. San Agustin

Committee on General Government Operations, Appropriations & Housing

I Mina'trentai Singko Na Liheslaturan Guahan

35th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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On Sat, 3 Oct 2020 at 08:14, Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

Please see attached Committee Report for **Ronald F. Eclavea** as a **Member** of the **Guam Ancestral Lands Commission**.

Please indicate your preferred action, based on the following options:

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Si Yu'os Ma'åse'!

--

Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

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35th Guam Legislature

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