



MARIANAS YACHT CLUB

Telephone: (671) 472-1739

Post Office Box 2297
Agana, Guam 96910

October 15, 1991

Senator John P. Aguon
Committee on Tourism & Transportation
TWENTY-FIRST GUAM LEGISLATURE
Pacific Arcade Building
155 Hesler Place
Agana, Guam 96910

CHAIRMAN
TRANSPORTATION, TOURISM,
& COMMUNICATIONS
RECD BY
DATE: OCT 15 P.M.
TIME:

Attention: Lea Santos, Special Assistant

RE: MARIANAS YACHT CLUB -- LEASE APPROVAL

Dear Senator Aguon:

Pursuant to your request, we enclose with this letter the following documents:

1. Marianas Yacht Club Relocation -- Environmental Assessment.
2. Letter from Harry T. Kami, Chief of the Aquatic and Wildlife Resources Division of the Department of Agriculture, dated May 31, 1988.
3. Letter from Rolando B. Solivio, Acting Administrator, Guam Environmental Protection Agency, dated July 1, 1988.
4. Corrected cost projection for completion of MYC facility.
5. Corrected program budget for PROAS.

The corrected cost projection for completion of the MYC facility reflects the correct total for Phase II work of \$127,000.00. The program budget for PROAS reflects the correct program total of \$133,900.00. The errors contained in the originals provided to your office were the result of mistakes in addition for which we extend our apologies. Thank you for your assistance in this matter and please let us know if you require further information.

Si Yu'us Maase,

MARIANAS YACHT CLUB


Tom D. Perez
Commodore

MARIANAS YACHT CLUB RELOCATION
ENVIRONMENTAL ASSESSMENT

ACKNOWLEDGMENTS

Some friends deserve recognition for their help in preparing the assessment. They are:

Roy N. Tsutsui, a biologist, graciously donated his time and expertise to complete the flora and fauna surveys.

Daniel Millar, a yachtsman, surveyed the water area and prepared sketches of the mooring areas.

Christie Anderson, a former Guam Environmental Protection Agency staff member, provided critical comments on the first draft.

My sincere thanks.

H. Gorman Dorsey
H. Gorman Dorsey, oceanographer and
member of the relocation committee

INTRODUCTION

The Marianas Yacht Club, a non-profit organization that supports and promotes sailing activities and other water sports on our island, has been asked to relocate its facilities on Cabras Island by the end of 1988. Pursuant to the relocation, we have extensively investigated alternate sites that would be amenable to the activities and functions of our club. Criteria used in the selection process were:

1) Adequate access to a safe sailing area that permits novice activities.

2) A mooring area that is relatively safe from high winds and waves, with adequate water depth to accommodate club member and visiting yachts.

3) A club site that would accommodate our shore activities.

4) A site that would permit long term growth of the club.

We believe that the site shown in exhibit (1), a location on Dry Dock Point, best fulfills these criteria. To that end, we have submitted a proposal to the Port Authority of Guam to lease the selected site for twenty five years. For background information, a copy of the proposal is enclosed. To insure that our plans are consistent with maintaining the environmental beauty of our island, we have investigated the impact that the proposed relocation will have on

the site environment. The results of our investigation are contained in this document and we hope that your Agency would agree that the proposal is environmentally sound, and in fact, would enhance the beauty of the site area.

SITE DESCRIPTION AND ENVIRONMENTAL IMPACT

The exact location of the site may be found by referring to the United States Department of the Interior Geological Survey map of the Island of Guam, scale 1:50000. The coordinates of the site are 13 degrees 26 minutes and 17 seconds North and 144 degrees 40 minutes and 16 seconds East. The land area involved is approximately 4000 square meters with an associated mooring area of several acres located just offshore and to the south of the club site. The Port Authority of Guam's Master Development Plan designates this area for recreational use with eventual improved road access to all of the shoreline. The master plan does not project uses for the near shore waters at the proposed site. The water is too shallow for deep draft vessels without extensive dredging. There is access to the site in the form of an existing dirt road.

FLORA

The predominate vegetation at the site is Australian pines (iron wood trees), with growths ranging from one to twenty years. Land elevations range from one to six feet above mean high water with a small percentage of the area subjected to submergence during typhoons and storms which produce extremely high tides. A complete listing of

all types of flora and their abundance are shown in table 1.

The proposed project will remove 30% of the existing flora. The club house would occupy 1600 square feet, the parking and boat storage area would occupy 6400 square feet, and the leaching field for sanitary waste would occupy 4800 square feet. A site sketch is provided as exhibit 2. There is sufficient open area within the site to preclude any additional removal of flora. The intent would be to retain the maximum amount of ground cover to enhance the natural beauty of the site and to retain soil during heavy rains.

FAUNA

The diversity of animal life at the relocation site is small. Only three species were observed during the survey. These are listed below:

Scientific name	Common name	Abundance
-----	-----	-----
Arthropoda Crustarea		2 per square meter
Cardiosoma sp.	Crab	along the beach
Uca sp.	Fiddler crab	15 per square meter inland in wet areas
Chordata Reptilia		
Carlia Fuscum	Brown skink	not abundant

The fiddler crab would be most affected by the construction of the club . They would be displaced from an area of 12,800 square feet. This represents approximately 15% of the total inventory of fiddler

the fiddler crabs would relocate to a low lying area found to the east of the proposed site. There would be little impact on other mobile fauna. Nesting birds are not found at the site or in surrounding areas.

SHORELINE

The shoreline is primarily coral sand extending 10 feet inland from average high tide. There are three mangroves found within the site boundaries and one mangrove and several seedlings located at the southern most point of the shoreline fronting the site. Special care would be taken to leave these in place. Extensive mangroves are located to the west and east of our project. These would not be affected by our activities. With the exception of a small boat ramp (10 feet wide), the shore line would remain undisturbed.

MOORING AREA

Exhibit 3 shows the location of the harbor area that would be impacted by our project. A thorough survey of the area was conducted to establish the type and extent of live coral in the mooring zone and in the areas where channel markers would be required. Referring to exhibit 3, note that little live coral can be found in the proposed mooring areas. This lack of coral is attributed to two factors:

- 1) The turbidity of the water prevents light conditions that are

two to seven feet were found in the proposed mooring areas. Measured Secchi disk depths, in feet, are shown on exhibit 3.

2) Silt from Sasa valley loads the entire proposed mooring area with fine sediments. Sediments depths of two to six inches were found in all locations which are not swept by strong currents.

Living corals, found to the south and west of the mooring area, would not be impacted by club activities.

Exhibit 4 shows the location of mooring buoys that would be used to anchor yachts and channel markers. The design of the moorings, see exhibit 5, are such that only the area where the moorings lie would be affected. This would, at a maximum, be 150 square feet of harbor bottom. With the exception of some of the channel markers, the bottom where the moorings would rest does not have coral growth.

CLUB OPERATIONS

CLUB HOUSE

The club house will be a two story structure occupying 1600 square feet. Facilities will include tables and chairs, toilets and bathrooms, and storage lockers on the lower floor. The upper floor will house a snack bar and general club room. Liquid waste from all

operations will be directed to a septic tank and leaching field which will be constructed in compliance with existing code. Dry wastes will be collected and deposited in a container operated by a commercial waste disposal company.

PARKING

Space will be provided for twenty-six automobiles in the form of a coral packed parking area. This is adequate for normal use. Overflow, on the few occasions that it might occur, will be accommodated by parking vehicles along the access roadway.

LAUNCHING

Shallow draft, trailerable boats will be launched via the ramp shown in exhibit 2. Small dinghys and sailing boats will be launched by hand.

FUELING

Yachts, by virtue of sail power, have little need of motor fuel. At our current club site, all fueling operations are accomplished by hand in small (5 gallon or less) containers. These containers are typically stored on the yachts. Our planned facilities will also have a flammable storage locker for storage of small fuel containers. We do not have plans for any larger fueling operations.

Bathrooms and toilet facilities will be available at the club site. These will be serviced by a septic system and leaching field sized to accommodate our club activities. Toilet facilities, aboard yachts, are controlled by Coast Guard regulations which prohibit discharge into the harbor. Dry waste will be collected by a commercial waste disposal firm.

CONCLUSION

Based on the results of our survey of plants and animals, both onshore and offshore, we conclude that there will be no negative impact on the environment if the Marianas Yacht Club is permitted to relocate to Drydock Point. No endangered species, flora or fauna, are found at the site. Displacement of existing fauna would be insignificant. Birds are not nesting in the area. The proposed mooring area does not have living coral. The nature of our club activities would not have an adverse effect on either the terrestrial or marine environment. It is our opinion that the implementation of our relocation plan will not only beautify the site in question, but also provide another valuable recreation area for our island.

Table 1 - Fauna Listing

(The column labelled C.S is a scale used to describe the abundance and sociability of the species. A note at the end of the table describes the scale used.)

Family and Plant Species	Common Name	C.S	Number Counted
-----	-----	---	-----
Casuarinaceae Casuarina equisetifolia L.,	Australian pine iron wood, gagu, gago	4.1	113
Malvaceae Hibiscus tiliaceus L.,	Sea hibiscus, pago	4.1	77
Goodeniaceae Scaevola taccada (Gaertner) Roxburgh	Half flower, nanasao	2.1	32
Rhizophoraceae Rhizophora apiculata Blume,	Mangle, mangrove	r.1	1 adult 12 sprouts
Rhizophora ucinata var. stylosa Griffin,	Mangle, mangrove	r.1	3 adults 40 sprouts
Verbenaceae Clerodendrum inerme (L.) Gaertner Avicennia marina var. alba (Bl.) Bakhuizen,	Lodugao tree	3.4	NA
		-.1	7
Sterculiaceae Heritiera littoralis Dry.,	Ufa	r.1	3
Imuleae (tribe) Fluchea indica (L.) Less.,	Green bush	3.4	NA
Combretaceae Lumnitzera littorea (Jack) Voigt,	Nana, bucawaine	r.1	1
Palmae Cocos nucifera L.,	Coconut palm, niyog	r.1	2
Leguminosae Leucaena leucocephala (Lam.) deWit,	Tangan tangan	r.1	2
Rhamnaceae Colbrina asiatica (L.) Broingniart	Gasoso	-.1	4
Meliaceae Xylocarpus moluccensis (Lam.) Roemer,	Lalanyog, puzzlenut tree	r.1	2
Lecythidaceae Barringtonia asiatica (L.) Kurz,	Puting	r.1	1

Family and Plant Species	Common Name	C.S	Number Counted
Labiatae			
<i>Hyptis capitata</i> Jacquin,	Botones	1.3	NA
Convolvulaceae			
<i>Ipomoea pes-caprae</i> (L.) Roth,	Beach morning glory alalag-tasi	1.3	NA
Lauraceae			
<i>Cassytha Filiformis</i> L.,	Agasi, agase, mayagas	- .3	NA
Aspleniaceae			
<i>Asplenium nidus</i> L.,	Galak, bird nest fern	r.1	1
Polypodiaceae			
<i>Phymatodes scolopendria</i> (Burm.) Ching	Fern	r.2	NA
Cyperaceae			
<i>Fimbristylis cymosa</i> ssp. <i>umbellato-capitata</i> (Hillebrand) Kogama,	Weed	- .3	NA
Gramineae			
<i>Lepturus repens</i> (G. Forster) R. Brown,	Grass	1.4	NA

FOUND ALONG BORDER OF SITE

Gutiferae			
<i>Calophyllum inophyllum</i> L.,	Da'og, da'ok, palomaria alexandrian laurel	r.1	1
Boraginaceae			
<i>Messerschmidia argentea</i> (L.F.) Johnston,	Hunig	r.1	1
Pteridaceae			
<i>Acrostichum aureum</i> L.,	Large fern	r.2	NA

Note: C.S is a cover.sociability scale developed by Braun-Blanquet in 1964. The abundance scale is:

- r, a few isolated specimens, cover negligible
- , sparsely present, cover low
- 1, more frequently present, though covering less than 5% of the site
- 2, abundant, or cover 5-25% of the site
- 3, any number of specimens, covering 25-50% of the site
- 4, any number, covering 50-75% of the site
- 5, any number, covering 75-100% of the site

The sociability scale is:

- 1, singly growing
- 2, growing in groups
- 3, growing in small patches or cushions
- 4, growing in small colonies or forming extensive patches of carpets
- 5, growing in large herds

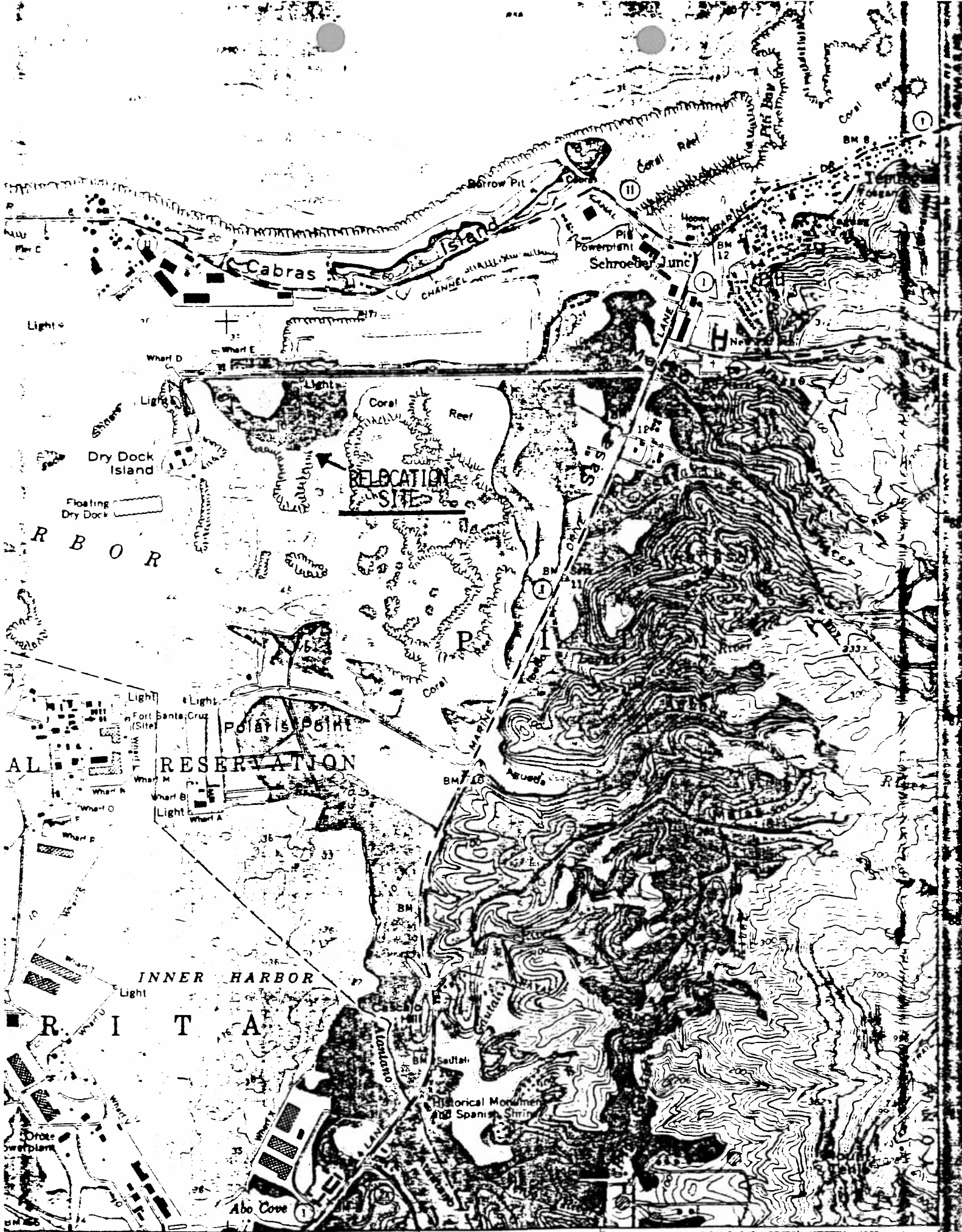
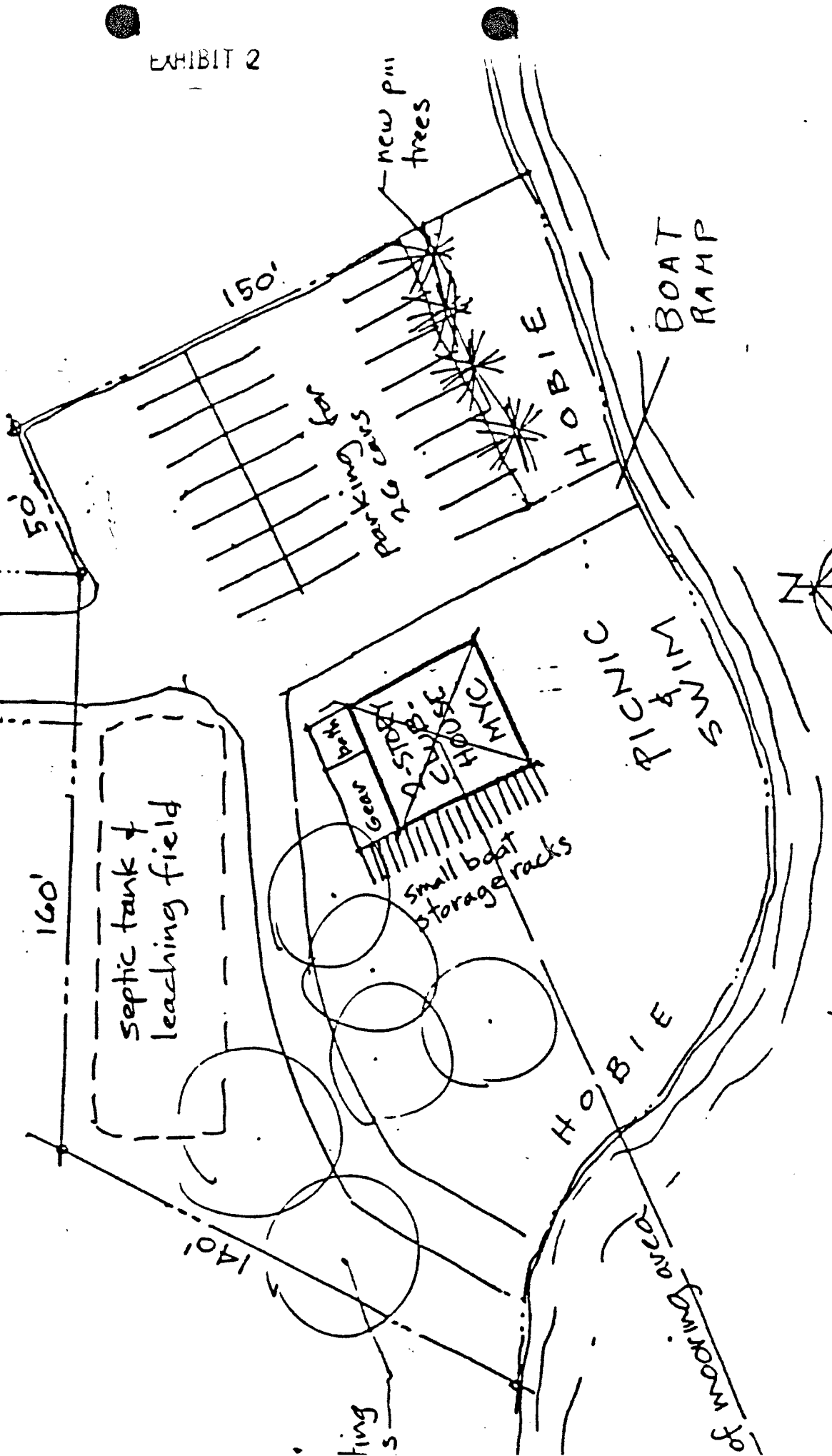
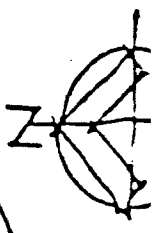


EXHIBIT 2

40-FT. ACCESS EASEMENT
29-FT. ACCESS ROAD



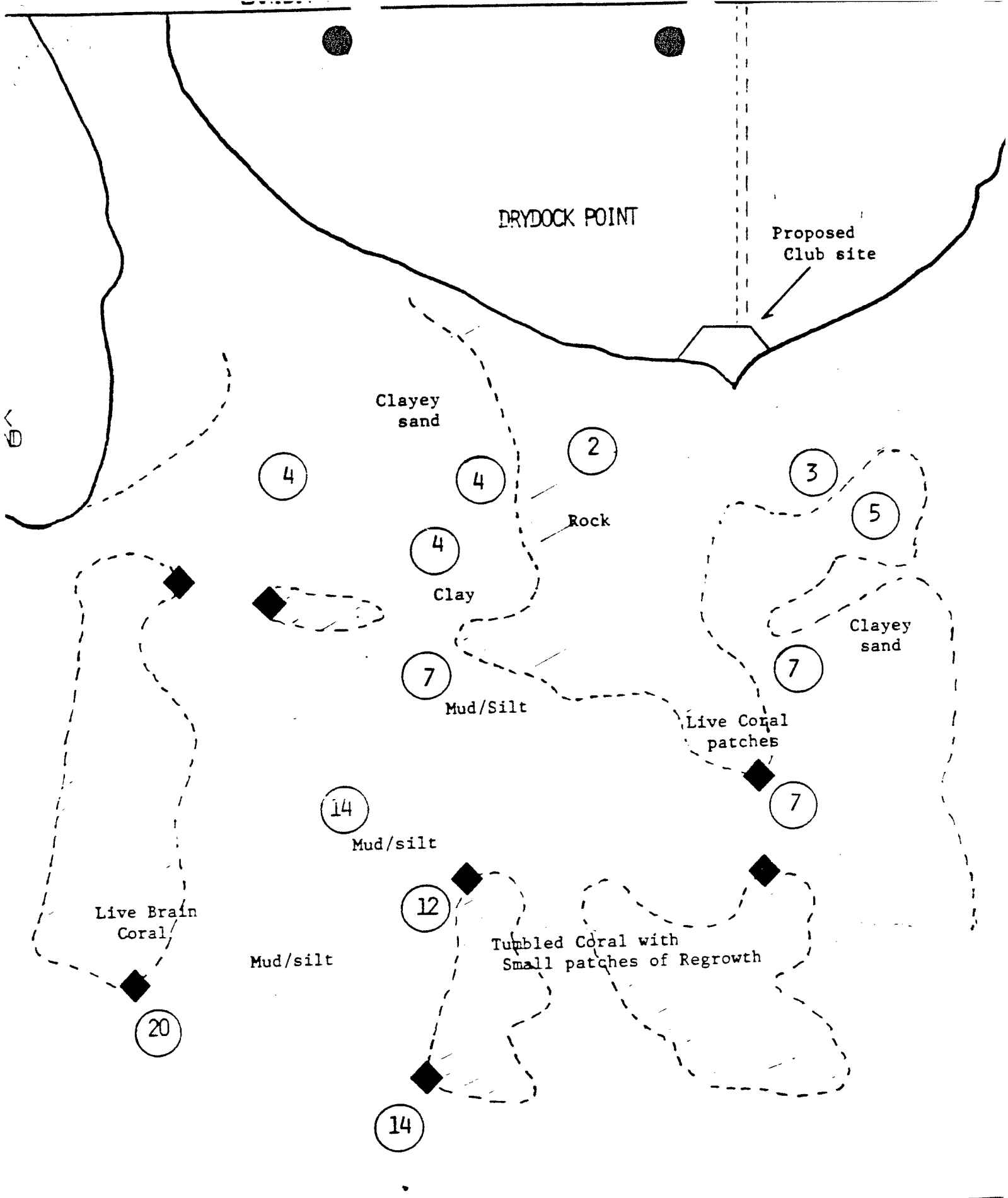
MYC
2/15/00



1" = 40'

Site Plan

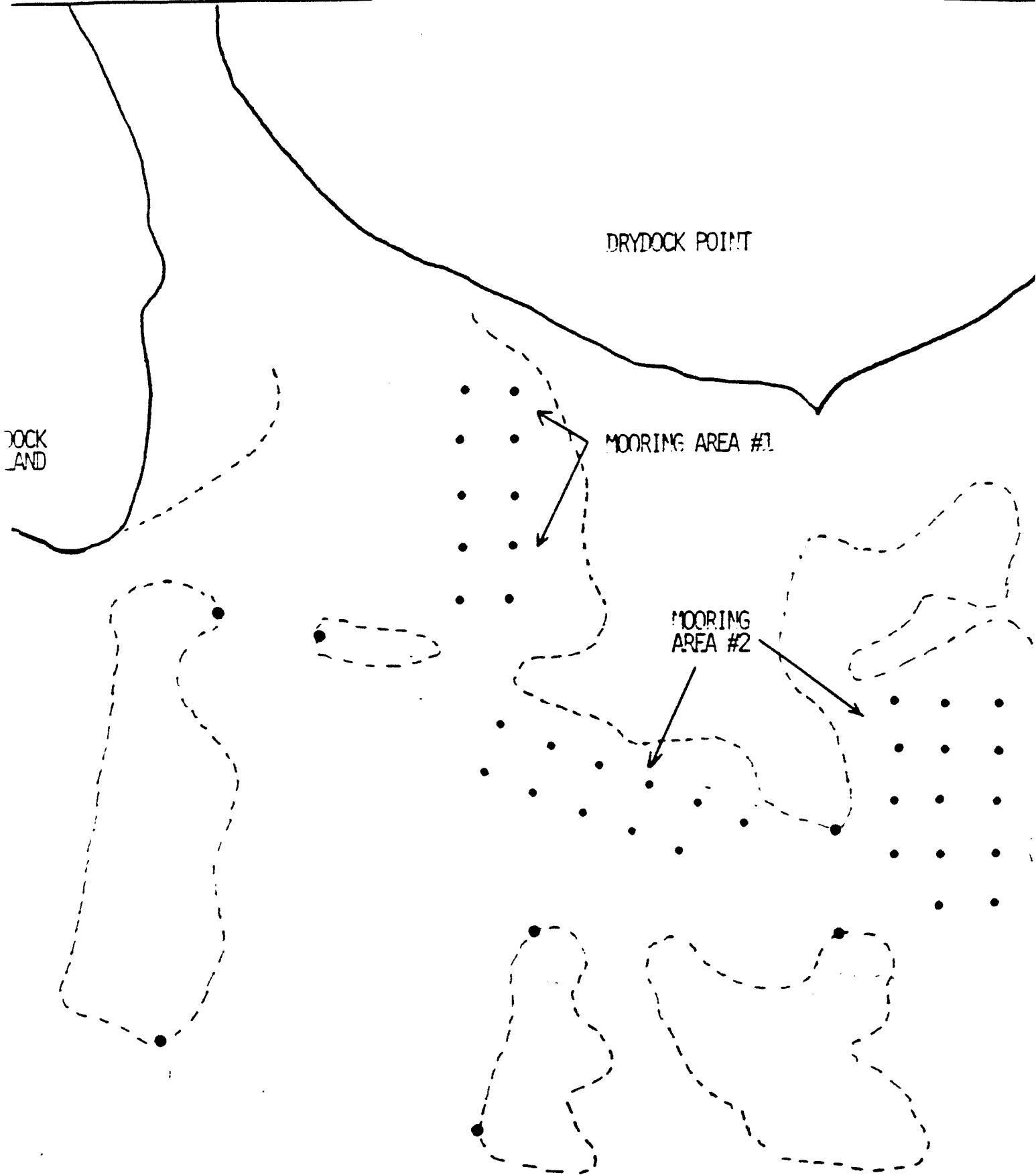
of working area



-- denotes Secchi disk depths in feet

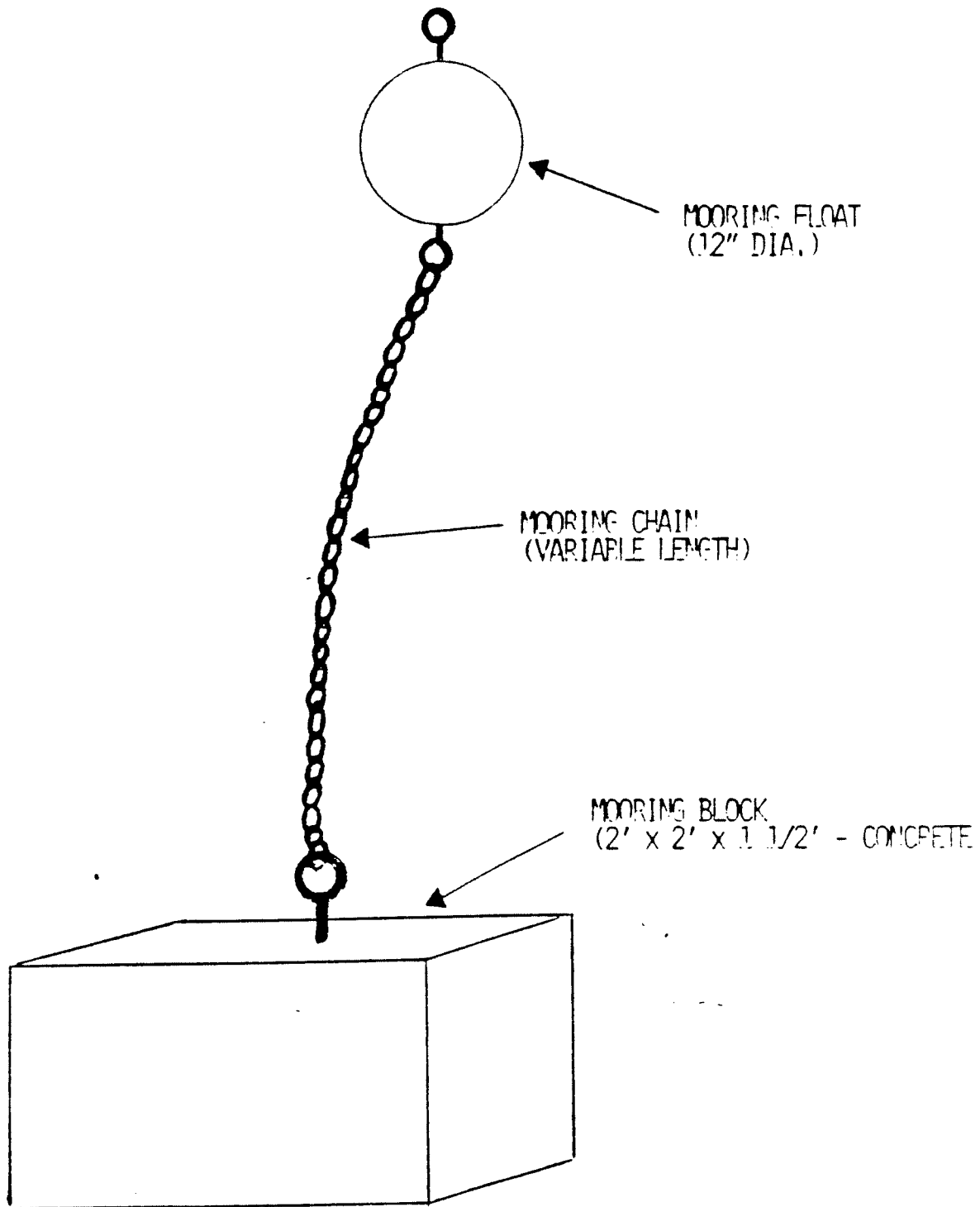
◆ -- denotes channel marker

EXHIBIT 4



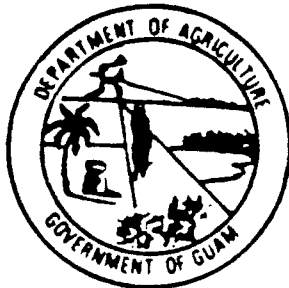
- — Denotes proposed mooring buoys
- — Denotes proposed channel markers

EXHIBIT 5



TYPICAL MOORING BODY

JOAQUIN N. NAPUTI
ACTING DIRECTOR



Agricultural Development Services 734-39
Aquatic & Wildlife Resources 734-39
Forestry & Soil Resources 734-39
Animal & Plant Industry 734-3946

Sales & Permit Info 734-394
Administrative Ser. 734-394

AGANA, GUAM 96910

May 31, 1988

William C. Williams
Site Relocation Committee
Marianas Yacht Club
P.O. Box 2297
Agana, Guam 96910

Dear Mr. Williams:

The Department of Agriculture Division of Aquatic and Wildlife Resources (DAWR) has reviewed the Marianas Yacht Club's (MYC) proposed relocation site and construction plans for property administered by the Port Authority of Guam on Dry Dock Point. At this time we agree with the MYC assessment that construction of land facilities and marine moorings would have no major long-term effect on the associated environments. However, because of the low land elevation (1-6 ft above mean high water) and proximity to the shoreline, DAWR recommends the septic tank be an above ground unit and the leaching field be constructed in strict compliance with existing codes.

The MYC should be advised that the land area of the proposed site was created by fill between 1944 and 1950 as part of the Apra Harbor post war construction directed by the Fifth Naval Construction Brigade (see enclosure). The beach area is therefore not "natural" and is in fact an artifact of sediment deposition resulting from the currents circulating around the derelict hull of a wrecked barge resting on the reef adjacent to the shoreline. Should this barge be moved or removed, the beach sands would be carried away by the currents and redeposited somewhere else.

The MYC should be further advised that the waters of Apra Harbor are frequented by the green sea turtle, *Chelonia mydas* and the hawksbill turtle, *Eretmochelys imbricata*. These are listed on the Federal Fish and Wildlife list of endangered and threatened species. The DAWR does not know whether these turtles nest on the beaches inside Apra Harbor.

Thank-you for the opportunity to comment on the relocation proposal. If the DAWR can be of any other assistance please do not hesitate to let me know.

Sincerely,

HARRY T. KAMI
Chief, Aquatic & Wildlife Resources

Enclosure



GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

POST OFFICE BOX 2999 AGANA, GUAM 96910 TELEPHONE: 646-8863/64/65

Mr. John E. Moore, Commodore
Marianas Yacht Club
P. O. Box 2297
Agana, Guam 96910

JUL 1 1988

Dear Mr. Moore:

This letter concerns our preliminary review of your proposal for relocating the Marianas Yacht Club (MYC) to a property located on Dry Dock Point. We have reviewed the submitted documents, including the Lease Proposal and the Environmental Assessment to determine whether any significant adverse impact to the environment would occur and to evaluate the compatibility of the proposal with existing natural and projected uses of the area.

Our preliminary position is that your proposed site for relocation of the MYC is acceptable to and supported by Guam EPA. Location of the MYC in this area is compatible with the recreational use designation of this area by the Port Authority of Guam's Master Development Plan. In addition, the Environmental Assessment shows that only minimal adverse impact to the surrounding environment would be expected from the development and use of this area by MYC.

Some environmental issues that should be considered in proceeding with this proposal follow:

1. Typical septic tank and leaching field design not acceptable -

The low elevation of the property, one to six feet above mean high water, and therefore, the shallow water table, would prohibit use of a typical on-site disposal system. This problem should be correctable, however, by site improvements (fill), use of an alternative on-site disposal system such as a mounded leaching field or some other option.

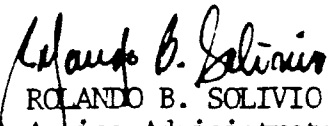
2. Minimize impact on mangrove and coral reef habitat -

Although the property you are proposing to lease is upland, two types of wetland habit exist between or near the lease property and the mooring area. These wetlands are identified on the U.S. Fish and Wildlife Service Wetlands Classification Maps (1983) as F2SS3N - (Estuarine, intertidal, scrub/shrub, broad leaf evergreen) and M1RF1L - (Marine, subtidal, reef, coral) which include the mangrove habitat and the fringing and patch reefs mentioned in the Environmental Assessment. Care should be taken to avoid alteration of or impact in these areas.

Mr. John E. Moore, Commodore
Page 2

Please contact this office if you have any questions.

Sincerely yours,


ROLANDO B. SOLIVIO
Acting Administrator

CC: Port Authority Board

COST PROJECTION FOR COMPLETION OF MYC FACILITY

Phase I - Work Completed and in Progress - MYC has established power and water connections to the Drydock Point site and has expended substantial monies on the existing access road. In addition, MYC has placed fifty (50) permanent moorings in the waters adjacent to Drydock Point and has secured Coast Guard approval of the mooring area as a designated anchorage under federal law. MYC has also done basic foundation and concrete work on the proposed Club House, the completion of which is scheduled not later than December 15, 1991 to permit hosting of the Seventh Annual Japan-Guam Yacht Race. A breakdown of the funds expended by MYC to date on the facility is as follows:

i.	Fabrication and placement of fifty (50) moorings:	\$ 75,000.00
ii.	Power and Water connections to the building site, improvement of access road, construction of the building foundation and basic concrete work:	\$ 87,000.00
	Total investment in the proposed Club site:	\$162,000.00*

* Note: These funds were raised by membership contributions, donations from the Nippon Ocean Racing Club and the Aburatsubo Bay Yacht Club of Japan and by private donors.

Phase II - Completion of Club Facility - As noted, the facility must be completed not later than December 15, 1991 to permit hosting of the Seventh Annual Japan-Guam Yacht Race. What follows is the projection of costs associated with the completion of the structure in time for use in connection with that event:

i. Masonry work:	\$ 25,000.00
ii. Roofing materials and labor for construction:	\$ 60,000.00
iii. Tile:	\$ 5,000.00
iv. Glass and installation:	\$ 15,000.00
v. Air conditioning [one-third of premises only]:	\$ 8,000.00
vi. Chamorro art:	\$ 4,000.00
vii. Landscaping and parking facilities:	\$ 10,000.00
Total costs projected for the completion of the structure:	\$127,000.00

Construction Timetable: it is estimated that the roofing materials will require approximately eight (8) weeks for shipment to Guam and that the construction of the roof itself will require an additional three (3) weeks' time. Tiling, glass work and the installation of necessary fixtures will require an additional three (3) weeks' time.

Phase III - Phase III construction will involve additional expenditures required to bring this facility to full operational status:

i. Shower facility:	\$12,000.00
ii. Chamorro beach hut:	\$10,000.00
iii. Docks and beach platform:	\$20,000.00
iv. Sewage pump and leeching fields:	\$ 5,000.00
v. Access road pavement:	\$15,000.00
Total additional expenditures for Phase II is:	\$62,000.00**

** Note: It is anticipated that Phase III of the facility construction can be completed during Calendar Year 1992 without the need for public funding.

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PROAS

(Program and Recruitment for Olympic Athletes in Sailing)

MARIANAS YACHT CLUB has established PROAS, a comprehensive program for the recruitment and development of Olympic athletes in sailing. The components of PROAS consist of:

- A. Recruitment activities, and
- B. Training program, of which some activities are well established and others are projected for implementation in the future.

The club recognizes that a substantial base of young sailors must be established to produce potential Olympic contenders. MYC has directed many of its recent instructional and racing activities towards the burgeoning junior sailor population. The following program reflects a development philosophy.

RECRUITMENT ACTIVITIES

- A. Public and private school recruitment, announcements
- B. Post-secondary institutions recruitment, announcements
- C. Displays at Malls and Fairs
- D. Water Sport Businesses announcements
- E. Sports activities
- F. Advertisement
- G. Personal Presentations, contact

Time frame: Current and Ongoing
Cost: None

PROGRAM

A. American Red Cross (ARC)/United States Yacht Racing Union (USYRU) Courses

1. Approved and tested curriculum and training publications
2. Offered three (3) times yearly
3. One (1) class solely devoted to junior sailors

B. Certification and re-certification of sailing instructors

1. American Red Cross
 - a. Ongoing
 - b. Cost - negligible
2. USYRU Instructor I
 - a. Covers teaching techniques, sports medicine and psychology, educational theory, safety and land and water drills.
 - b. Proposed 1991-92
 - c. Cost: \$4,000.00

C. Attendance at National Junior Sailing Symposium

1. Practical workshops in a wide range of subjects - from setting up a new junior program to risk management, financing, suitable boats and safety.
2. Proposed 1991-92
3. Cost: \$2,500.00

D. On-island competition

1. Ongoing
2. Cost: None

E. Off-island competition

1. Absolute need for competent sailors to build skills to regional and international level.
2. Proposed 1992 and annually thereafter
3. Cost: \$10,000 per annum for five years: \$ 50,000.00

F. Invited expertise

1. Clinics offered by expert sailors.
2. Ongoing
3. Cost: Funding by Olympic Solidarity Grant

G. Racing clinics

1. Locally directed clinics by yacht club members and visiting yachtsmen
2. Ongoing
3. Cost: None

H. Club-owned boats for training purposes

1. Actual
 - a. Five (5) Lasers with three (3) sizes of sail
 - b. One (1) Keelboat, 20' Santana
 - c. Cost: maintenance, budgeted within training program and outside sponsorship
2. Proposed
 - a. Eight (8) El Toros
Proposed 1992
Cost: \$ 6,400.00
 - b. Eight (8) Lasers
(1) Racing fleet exists on island and in region good training boat. Most Olympic sailors have Laser experience and competition in their resume.

- c. Three (3) Europes - Women's Singlehanded Olympic Class
Proposed 1991-92
Cost: \$ 15,000.00
- d. Four (4) 470s - Men's & Women's Doublehanded Olympic Class
Proposed 1993-94
Cost: \$ 32,000.00
- e. Two (2) Flying Dutchman - Open Olympic class of competition
Proposed 1995
Cost: \$ 24,000.00

Total: \$133,900.00

Marianas Yacht Club has implemented a portion of PROAS with funds raised from members and outside sponsorship. To further the endeavor of adding Olympic Class sailboats and improving the instructor and junior programs will require capital above and beyond the revenue generated by Club dues and fees. It is the intent of the MYC to keep membership affordable to residents of Guam, therefore, the organization seeks outside support and sponsorship for PROAS.

Marianas Yacht Club commits itself to matching in part the outside support funds with services provided by the membership in the form of course instruction, clinic offerings, sponsorship and administration of racing, and in the maintenance and upkeep of all equipment. The organization will continue to seek support from non-government entities to support the goals of PROAS.

OLYMPIC GAMES

(2) EUROPE (3) 470 (4) FLYING DUTCHMAN
(proposed)

INTERMEDIATE AND ADVANCED TRAINING

LASER
Full Main
Radial
4.7
(5 actual, 8 more proposed)

KEEL
Santana 20
(1 actual)

BEGINNING TRAINING FOR ADULTS AND CHILDREN

EL TORO
(8 proposed)

RECRUITMENT

Oceanview JFK GWSH Inarajan Sanchez FD Notre Dame AOLG
St John's Harvest Christian Seventh Day
UOG GCC
Articles Displays Advertisement Personal Contact



PORT AUTHORITY OF GUAM
ATURIDAT I PUETTON GUAHAN

GOVERNMENT OF GUAM
1026 Cabras Highway
Suite 201
Piti, Guam 96925

Telephone (671) 477-5931/35
(671) 477-2683/85
Telex (721) 6689 PAGGUM
Facsimile (671) 477-2689

AUG 23 1991

Honorable John P. Aguon
Chairman
Committee on Tourism and Transportation
Twenty-First Guam Legislature
Agana, Guam 96910

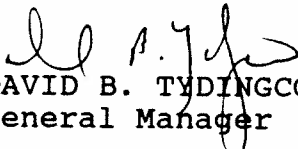
Hafa Adai Mr. Chairman:

Enclosed for your review and disposition is the amended lease agreement between the Port Authority of Guam and the Marianas Yacht Club. The amended lease has incorporated all concerns raised at our July 24, 1991 meeting as well as a subsequent meeting I had with Mr. Tom Perez and Attorney John Moore.

A summary of the changes made to the original agreement is provided as part of the enclosures.

Should you have any further questions on this matter, please do not hesitate to contact me directly.

Si Yu'os Ma'ase,


DAVID B. TYDINGCO
General Manager

Enclosure

cc: Mr. Tom Perez, Perez Bros.
John Moore, Esq.

CHAIRMAN, COMMITTEE ON TOURISM,
TRANSPORTATION & COMMUNICATIONS

REC'D BY: 

DATE: 8/24/91

TIME: 10:00

000077





MARIANAS YACHT CLUB

Telephone: (671) 472-1739

Post Office Box 2297
Agana, Guam 96910

August 21, 1991

VIA HAND DELIVERY

Mr. David B. Tydingco
General Manager
PORT AUTHORITY OF GUAM
1026 Cabras Highway
Suite 201
Piti, Guam 96925



RE: MYC AMENDED LEASE AGREEMENT

Dear Dave:

Delivered with this letter is the revised MYC Amended Lease Agreement. The enclosed document reflects the changes made as a result of our meeting with Senator Aguon on July 24, 1991, as well as additional changes that resulted from our luncheon meeting yesterday. Those changes include the following:

- * A Preamble has been added to the Amended Lease Agreement which reflects the goals shared by the Twenty-First Guam Legislature, the Port Authority of Guam and the Marianas Yacht Club in terms of establishing a central facility at Apra Harbor, Guam, that will permit an enhanced program of Red-Cross certified sailing instruction with emphasis on sailing instruction for Guam's youth, support for the Olympic Sailing Program, participation in the South Pacific Games and continued support for international yacht racing events.
- * Paragraph 5 of the Amended Lease Agreement spelling out the use of the leased Premises has been changed to clearly reflect the purpose of having a central facility to promote community

VIA HAND DELIVERY

Mr. David B. Tydingco
August 21, 1991
Page 2

interest and participation in the sport of sailing, the conduct of Red-Cross certified sailing instruction open to the People of Guam with special emphasis on sailing instruction for Guam's youth, to provide a training facility for Guam's National Olympic Sailing Program and to provide a facility for the hosting of local and international yacht racing events and the conduct of related activities. This change is largely cosmetic, but does spell out the enhanced scope of the sailing activities that the new facility is designed to support.

- * Paragraph 6 of the Amended Lease Agreement dealing with alterations, construction and replacements has been changed to require prior review and approval by the Board of Directors of the Port Authority of Guam as well as approvals, permits and licenses from governmental entities as may be required in connection with the construction of alterations or improvements on the leased Premises.
- * A major and significant change is found at paragraph 7 of the Amended Lease Agreement in that title to buildings and improvements erected on the leased Premises shall remain in Lessee and in the Government of Guam as their respective interests may appear and in accordance with their respective contributions to the construction of buildings and improvements upon the Premises. This change does not effect

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the remainder rights of the Port Authority of Guam to acquire title to all buildings and improvements upon the expiration of the term of the Amended Lease.

- * Paragraph 8 of the Amended Lease Agreement flatly prohibits any assignment of the Amended Lease. The remaining language contained in paragraph 8 makes it clear that this paragraph does not prohibit MYC from sharing the use of the facility with other sailing organizations such as Bailan Tasi and recognizes the necessity of being able to contract with third party vendors for necessary goods and services.

- * Paragraph 12 of the Amended Lease Agreement has undergone substantial revision. It now imposes a duty on the Lessee to indemnify, hold harmless and defend the Port Authority of Guam and the Government of Guam from any claims for damages to persons or property that may arise out of the use of the leased Premises during the term of the Amended Lease Agreement. This means that MYC would have the duty to defend any claim that might be filed and also requires the cooperation of the Port Authority of Guam in defending any such claims. This is an important provision and dovetails with the additional requirements of paragraph 12 which mandate that a policy of fire insurance be kept and maintained throughout the term of the Amended Lease Agreement with both the MYC and the

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Government of Guam named as insureds and as loss payees according to their respective interests. Fire insurance must be an in amount equal to the fair market value of the buildings and improvements insured. Paragraph 12 also requires MYC to maintain liability insurance with limits providing coverage against injury to any person or property in the sum of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury to one person, One Million Dollars (\$1,000,000.00) for bodily injury to more than one person in any one accident, and Two Hundred Thousand Dollars (\$200,000.00) for property damage in one accident. The Port Authority of Guam also is given oversight authority to review the liability insurance maintained by MYC every three (3) years to ensure that policy limits are adequate.

- * Paragraph 13 dealing with condemnation has been revised slightly to reflect the interest that the Government of Guam will have in buildings and improvements erected upon the leased Premises. Thus, in the event of a taking by condemnation, an award as compensation for buildings and improvements would be shared between MYC and the Government of Guam according to their respective interests in the buildings and improvements.
- * Paragraph 14 has been revised to limit the period within which MYC may act to correct any default occurring under paragraph 20(b) Public Access of the

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Amended Lease Agreement. Port Authority management felt that the curative period should be reduced to thirty (30) days. The remaining provisions of paragraph 14 have not been changed.

- * Paragraph 18 of the Amended Lease Agreement has been revised to require Port Authority approval prior to MYC taking any action to clear, grade, fill or otherwise improve the existing access road. This change was required by Port Authority management to ensure that they are kept fully advised as to any changes concerning access that might impact on other Port plans during the term of the Amended Lease.
- * Paragraph 19 has been changed slightly to reflect that the Amended Lease Agreement is subject to federal approval under Section 818 of Public Law 196-418, as amended.
- * Paragraph 20 (formerly paragraph 19) of the Amended Lease Agreement has been revised to reflect MYC's continued commitment to the support of international yacht racing events, but without that commitment being conditioned upon public funding. Paragraph 20 has also been changed to reflect additional special requirements in terms of MYC's support for the Olympic Sailing Program in providing access to the facility and in terms of training and logistical support to be provided through MYC's Program and Recruitment for Olympic

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Athletes in Sailing (PROAS). As was discussed during our July 24, 1991 meeting, full support of an Olympic effort will require contributions from the private sector and possibly from available public funding. Paragraph 20 also makes provision for support of the competitive sailing events held in connection with South Pacific Games that may be scheduled on Guam during the years to come.

The revised MYC Amended Lease Agreement is provided with copies of all of the supporting documents earlier sent to Senator Aguon. The supporting documents include the following:

1. Cost Projection for Completion of MYC Facility.
2. Cost Projection for PROAS (Program and Recruitment for Olympic Athletes and Sailing) which outlines a program to be carried out over the next five (5) years in preparation for the 1996 Olympics to be held in Atlanta Georgia. This program details training requirements and the projected costs of acquiring an adequate number of Olympic class boats.
3. Cost Projection for the Olympic Boardsailing Program submitted by Bailan Tasi.
4. MYC membership roster.
5. Bailan Tasi membership roster.
6. Letter from MYC Commodore Tom D. Perez to Joe Pruski, President, Bailan Tasi Boardsailors Club, committing the use of the new facility to Bailan Tasi.
7. Letter from MYC Commodore Tom D. Perez to Robert Limtiaco, President of TASI, committing the use of the new facility to TASI (Tradition About Seafaring Islands).

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Mr. David B. Tydingco
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We believe that the changes made in the MYC Amended Lease Agreement reflect a fair exchange between the Marianas Yacht Club and other sailing organizations on the one hand and community needs and interests on the other. Please let me know right away if any further questions arise concerning the proposed Lease. As you are aware, the Marianas Yacht Club is running on an extremely tight schedule at this point in time because of the need to have the facility ready for the seventh annual running of the Japan-Guam Toyoko Cup Yacht Race which will commence in December of this year. As always, we appreciate your time and assistance.

Sincerely,

MARIANAS YACHT CLUB


Tom D. Perez
Commodore

JEM/ts

Enclosures

F#MISC D#JMYC.L05 DIR#JEM



MARIANAS YACHT CLUB

Telephone: (671) 477-3533/4

Post Office Box 2297
Agana, Guam 96910

August 12, 1991

Senator John P. Aguon
Committee on Tourism &
Transportation
TWENTY-FIRST GUAM LEGISLATURE
Pacific Arcade Building
155 Hesler Place
Agana, Guam 96910

CHAIRMAN, COMMITTEE ON TOURISM,
TRANSPORTATION & COMMUNICATIONS

REC'D BY: *Alto A. Lopez*

DATE: 8/13/91 TIME: 10:30

RE: MYC AMENDED LEASE AGREEMENT

Dear Senator Aguon:

Delivered with this letter is the proposed draft of the MYC Amended Lease Agreement with the Port Authority of Guam (PAG). This document reflects the changes that came out of our meeting held on July 24, 1991. Those changes include the following:

- * A Preamble has been added to the Amended Lease Agreement which reflects the goals shared by the Twenty-First Guam Legislature, the Port Authority of Guam and the Marianas Yacht Club in terms of establishing a central facility at Apra Harbor, Guam, that will permit an enhanced program of Red-Cross certified sailing instruction with emphasis on sailing instruction for Guam's youth, support for the Olympic Sailing Program, participation in the South Pacific Games and continued support for international yacht racing events.
- * Paragraph 8 of the Amended Lease Agreement flatly prohibits any assignment of the Amended Lease. The remaining language contained in paragraph 8 makes it clear that this paragraph does not prohibit MYC from sharing the use of the facility with other sailing organizations such as Bailan Tasi and recognizes the necessity of being able to contract with third party vendors for necessary goods and services.
- * Paragraph 20 (formerly Paragraph 19) of the Amended Lease Agreement adds new special requirements in terms of MYC's support for the

Senator John P. Aguon
Committee on Tourism & Transportation
TWENTY-FIRST GUAM LEGISLATURE
August 12, 1991
Page 2

Olympic Sailing Program in providing access to the facility and in terms of training and logistical support to be provided through MYC's Program and Recruitment for Olympic Athletes in Sailing (PROAS). As was discussed during our July 24, 1991 meeting, full support of an Olympic effort will require contributions from the private sector and possibly from available public funding. Paragraph 20 also makes provision for support of the competitive sailing events held in connection with South Pacific Games that may be scheduled on Guam during the years to come. Here again, MYC's commitment is conditioned on the availability of funds as it is impossible at this point in time to make an accurate assessment of cost.

- * Paragraph 20 also commits MYC to continued support of international yacht racing events without reliance on public funding.

As you have requested, we are also enclosing a projection of expenses anticipated in connection with the completion of the Club facility as well as a program and cost projection for PROAS. Also included with this letter are Membership Rosters for the Marianas Yacht Club and Bailan Tasi together with a copy of my letter addressed to Bailan Tasi assuring them of access to the new facility subject to reasonable prior notice and scheduling.

I am available at your convenience to discuss the Amended Lease Agreement and any other needs that you might have in connection with submission of the Amended Lease Agreement to the forthcoming session of the Twenty-First Guam Legislature.

Sincerely,

MARIANAS YACHT CLUB


Tom D. Perez
Commodore



MARIANAS YACHT CLUB
Telephone: (671) 477-3533/4

Post Office Box 2297
Agana, Guam 96910

August 12, 1991

Mr. Joe Pruski
President
**BAILAN TASI BOARDSAILORS
CLUB**
Post Office Box 1262
Agana, Guam 96910

RE: USE OF MYC FACILITY

Dear Mr. Pruski:

This letter will confirm the substance of our earlier discussions concerning the proposed lease of land at Drydock Point from the Port Authority of Guam. The Marianas Yacht Club is committed during the term of the proposed lease to making the facility available to Bailan Tasi for training and events sanctioned by your organization. Use on these occasions would include use of the Club House for meetings and social purposes.

This commitment is conditioned upon the understanding that Bailan Tasi and its members will abide by the rules and regulations governing the use of the facility as adopted by MYC and approved by the Port Authority of Guam, and that its use of the facility will be coordinated with MYC to avoid scheduling conflicts.

Sincerely,

MARIANAS YACHT CLUB


Tom D. Perez
Commodore

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F#MISC D#JMYC.L03 DIR#JEM

*for
let down*



MARIANAS YACHT CLUB
Telephone: (671) 477-3533/4

Post Office Box 2297
Agana, Guam 96910
CHAIRMAN, COMMITTEE
TRANSPORTATION & COMMUNICATIONS

June 18, 1991

REC'D BY: *Net*

DATE: 6/21/91 TIME: 4:02p

Senator John P. Aguon
Committee on Tourism & Transportation
TWENTY-FIRST GUAM LEGISLATURE
Pacific Arcade Building
155 Hesler Place
Agana, Guam 96910

FILE

RE: MARIANAS YACHT CLUB -- LEASE APPROVAL

Dear Senator Aguon:

Delivered with this letter is the proposed draft of the MYC Amended Lease Agreement with the Port Authority of Guam (PAG). This document reflects a number of major changes that have resulted from the public hearing held before the 21st Guam Legislature and from subsequent meetings held between members of our organization and David B. Tydingco, General Manager of PAG. The changes include the following:

- * Paragraph 19 (b) at page 15 of the Amended Lease Agreement provides for public access to the lease premises, subject only to such reasonable rules and regulations as may be approved by the Board of Directors of the Port Authority of Guam.
- * Provides for oversight authority by the PAG Board of Directors to include:
 - (1) Appointment of a Port Authority representative as an *ex officio* member of the MYC Board of Directors.
 - (2) Annual review of MYC's compliance with the terms, conditions and special requirements of the amended lease, to include provision of public access; the continuation of sailing instruction for adults and junior sailors; continued support for international yacht racing events.
 - (3) Review and approval of MYC rules and regulations governing the use of the leased premises, including public access.

Senator John P. Aguon
Committee on Tourism & Transportation
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Page 2

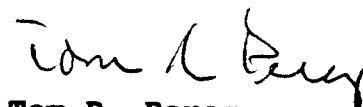
- * Deletes paragraph 12 of the existing lease which permitted MYC to give a leasehold mortgage or other security instrument on the leased premises. This provision is in accordance with the public hearing held before the 21st Guam Legislature and will enable the club to keep its dues structure at or near the current modest level.

This Amended Lease Agreement permits full public access to the leased premises subject only to such reasonable rules and regulations governing the use of and access to the premises as may be approved by the Board of Directors of PAG. Review and approval of these rules and regulations would take place at a public hearing conducted by the PAG Board of Directors and would permit full public input and discussion. The Amended Lease Agreement also provides for annual review of MYC programs by the PAG Board of Directors, which insures compliance with the terms, conditions and special requirements of the Amended Lease Agreement and will also provide additional opportunities for public input into the club's ongoing operations. The leasehold term has been left at 30 years in the belief that annual reviews conducted by the PAG board will adequately insure compliance with the terms, conditions and special requirements of the Amended Lease Agreement, including public access. Failure on the part of MYC to remain in compliance would permit PAG to terminate the Amended Lease Agreement.

We believe that this Amended Lease Agreement meets the needs of the community and addresses legislative concerns concerning the use of the leased premises. We look forward to discussing the document with you in detail in the near future.

Sincerely,

MARIANAS YACHT CLUB



Tom D. Perez
Commodore

MARIANAS YACHT CLUB
Telephone: (671) 477-3533/4



Jack
or

Post Office Box 22
Agana, Guam 969

April 18, 1991

Senator John P. Aguon
Committee on Tourism & Transportation
TWENTY-FIRST GUAM LEGISLATURE
Pacific Arcade Building
155 Hesler Place
Agana, Guam 96910

CHAIRMAN, COMMITTEE ON TOURISM
TRANSPORTATION & COMMUNICATIONS

REC'D BY: *MIT*

DATE: 4/19/91 TIME: 1:30

RE: MARIANAS YACHT CLUB -- LEASE APPROVAL

FILE

Hafa Adai Senator Aguon:

We have just received official word from the Fukuoka Yacht Club that the Auckland-Fukuoka Race will be run again in 1993. This time, however, there will be approximately 80 yachts from countries throughout the world participating in this race as contrasted with the 1989 race, when we had 46 entrants.

The fact that the sponsoring officials and corporations have decided to make the Auckland-Fukuoka Race a regular quadrennial event is a special tribute to Guam which was voted the best host country of those participating in the 1989 race. However, the scheduling of this major event and the forthcoming 7th Annual running of the Japan-Guam Toyoko Cup in December 1991 make it imperative that we move forward together as quickly as possible in completing the new support facility at dry dock point. The new facility will not only provide a permanent home for the Marianas Yacht Club and Bailan Tasi for many years to come, but will also be home port for many international yacht races in the future, including repeats of the Auckland-Fukuoka Yacht Race, the Annual Japan-Guam Yacht Race, the Japan-Guam Goodwill Regatta and the newly proposed Australia to Guam Yacht Race. As valuable as international events of this nature are to Guam's tourism industry, they represent only part of the overall picture. The new facility will also provide a training center for Guam's young sailors who will ultimately become Guam's representatives in the South Pacific Games and future olympiads. The construction of the new facility will also enable Guam to host the sailing competition for the South Pacific games in a new and modern facility that will be the equal of any in the Pacific Rim and of which this community will be justly proud.

To accomplish these community goals, we need the support of the Twenty-First Guam Legislature in securing approval of the lease of approximately one acre of land to the Marianas Yacht Club and for the companion appropriation measure. The hosting of international yacht racing and windsurfing events requires meticulous, long-term planning as is evidenced from the fact that

Senator John P. Aguon
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Page 2

initial work on the 1993 Auckland-Fukuoka Yacht Race is already well under way. Work of this kind can only be accomplished in an atmosphere of permanency and support that will be provided by a lease of substantial duration. Yachting organizations throughout the world recognize the Marianas Yacht Club as an organization chartered by the United States Yacht Racing Union and one that, together with Bailan Tasi, is a member of the International Yacht Racing Union and Guam's representatives in international sailing events. An ad hoc approach to this project will not produce the desired result; instead, we have a need for sustained, long range planning that will pay dividends in terms of international recognition, an economic return for Guam's tourism industry and an improvement in the quality of life on our island.

Speaking on behalf of the membership of the Marianas Yacht Club, I can assure of our commitment to providing the People of Guam with access to sailing and windsurfing activities at the lowest possible cost. This will only be possible if we have access to the dry dock point facility at a nominal leasehold cost that takes into full recognition the nature of the Marianas Yacht Club and Bailan Tasi as non-profit organizations. Our membership is also fully prepared to see that access is provided to the new facility to anyone having an interest in sailing, windsurfing or traditional canoeing as a leisure time activity or competitive sport. I would like to have the opportunity to meet with you in the near future so that we can engage in a detailed review of the proposed Lease to ensure that its terms are consistent with legislative policy and community goals.

I look forward to meeting with you so that we can work together to achieve the important community objectives outlined in this letter.

Si Yu'us Maase,

MARIANAS YACHT CLUB


Tom D. Perez
Commodore