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Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Arlene P. Bordallo
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Joseph I. Cruz
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Administrative Director

Kumision Inangokkon Tano' CHamoru *(CHamoru Land Trust Commission)*

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COMMISSION REGULAR MEETING MINUTES

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

Thursday, November 21, 2019, 1:12p.m. – 5:00p.m.

Public Notice: The *Guam Daily Post* on November 14, 2019 and November 19, 2019

I. CALL TO ORDER

Chairwoman Pika Fejeran: I'd like to call this CHamoru Land Trust Commission meeting to order, today is November 21st, the time is 1:12pm. Notice for this meeting was provided in the *Guam Daily Post* on November 14 and November 19.

II. ROLL CALL

Chairwoman P. Fejeran: Roll Call, Commissioner Amanda Santos.

Commissioner Amanda Santos: Here.

Chairwoman P. Fejeran: Commissioner Arlene Bordallo.

Commissioner Arlene Bordallo: Here.

Chairwoman P. Fejeran: Legal Counsel Nicolas Toft.

Legal Counsel Nicolas Toft: Here.

Chairwoman P. Fejeran: Fellow commissioner Austin Duenas, has not, will not be attending, he provided notice for his excuse absence and Administrative Director Jack Hattig, III will not be joining us. Here we are. Is Mr. Joey Cruz here with us? Oh, hi. Have you been appointed acting Administrative Director?

Program Coordinator III Joseph B. Cruz, Jr.: No, ma'am.

Chairwoman P. Fejeran: You're not, but according to an email I received from the Director you'll be acting for him today during the meeting.

Commissioner A. Santos: Come and join us.

Legal Counsel N. Toft: Just have him up here as a helper basically.

Chairwoman P. Fejeran: Yeah. Has the director been absent all day today?

Program Coordinator III J. Cruz, Jr.: Yes ma'am, he's on leave.

Chairwoman P. Fejeran: Question? When the Director is on leave, we basically don't have an Administrative Director, so, will he be the Acting Administrative Director?

Legal Counsel N. Toft: I don't think so unless he gets appointed by...**inaudible**but we can get Joey to pass along the information to the Director.

Commissioner A. Santos: He's the Director today.

Chairwoman P. Fejeran: Well you know, I want to be fair to Mr. Cruz that he's sitting in the Director's seat, I think it's only fair that he be compensated as Acting. Oh, it's after thirty days? Understood, thank you for clarifying that.

III. APPROVAL OF MINUTES

Chairwoman P. Fejeran: Alright, next item on the agenda is approval of minutes. Before us we have the June 6, 2019 meeting minutes, commission meeting minutes.

Commissioner A. Bordallo: **inaudible**

Chairwoman P. Fejeran: Unfortunately, Commissioner Bordallo has not received a copy of this meeting minutes. I believe those were passed out at the last meeting. You didn't have it

right? Ok, in light of that I believe we should table June 6 until you have a chance to read it, a printed copy.

Legal Counsel N. Toft: I can give her a copy of mine.

Chairwoman P. Fejeran: Oh, great thank you. Ok, moving on to the July 18, meeting minutes.

Legal Counsel N. Toft: That's not June, sorry, she'll still need a copy.

Chairwoman P. Fejeran: Alright, have the Commission had a chance to review the July 18 meeting minutes? Yes? Ok. This was a very long meeting; I think it went to 6:30 p.m.

CLTC Staff: Her first meeting was in October.

Chairwoman P. Fejeran: In the event, one of the commissioners...

Legal Counsel N. Toft: She can still second the motion. Just put it to a vote and as long as you're the ****inaudible**** so if she brought the motion, she can second it. Your vote counts as chair, because you were there.

Chairwoman P. Fejeran: Does anyone have any revisions or questions on this? Tan Amanda would you be comfortable putting forth the motion? Or would you want to wait until another member on the Commission was present?

Commissioner A. Santos: I'll wait.

Chairwoman P. Fejeran: Fair enough. Ok, we'll table July 18 meeting minutes and June as well.

Next item on the agenda under old business we have our agricultural and residential leasing, switch and transfer lease list. If you both would state your name for the record.

IV. OLD BUSINESS

SWITCHED AND TRANSFERRED LEASE LIST

- BENNY U. GUZMAN

Benny Guzman: Hi, my name is Benny Guzman.

Chairwoman P. Fejeran: Hafa Adai.

Land Agent II Jhoana Casem: I'm Land Agent Jhoana Casem.

Chairwoman P. Fejeran: Hi, Jhoana.

Land Agent II J. Casem: Good afternoon commissioners, before you we have Mr. Benny U. Guzman, original applicant was Joaquin A. Guzman. We are coming before as he is a part of the switch and transfer lease listing. With this case, the named benefactor was the wife of Mr. Joaquin A. Guzman. However, she did come in to transfer her beneficiary rights to Mr. Benny U. Guzman. So, we are requesting that the Commission approve the transfer and name the beneficiary to Mr. Benny U. Guzman.

Chairwoman P. Fejeran: Ok, thank you Jhoana. I see that the original applicant was a December 4, 1995 applicant, Mr. Joaquin A. Guzman, who is your brother, is that right? So, that was your brother's application and he received a lease in May 2017, for tract 10316, Block 11, Lot 20 in Dededo. Agricultural lease and your brother had passed away?

Mr. B. Guzman: Correct.

Chairwoman P. Fejeran: When did this happen?

Mr. B. Guzman: 2016

Chairwoman P. Fejeran: Soon after he received the lease, maybe.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Ok, upon Mr. Joaquin's passing, he had left the lease to his wife who was Josephine Q. Guzman and then she came in and said I don't want the lease given to her late husband's brother and because of the Attorney General's opinion, this lease that was then transferred to you is null and void.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Now that the staff has done their research, the Commission does have the authority to issue or approved that...

Land Agent II J. Casem: It would be the person taking over ****inaudible****

****0:10:53 to 0:11:18 inaudible****

Chairwoman P. Fejeran: Is 9.1 applicable here, Legal Counsel?

Legal Counsel N. Toft: ****inaudible****

Chairwoman P. Fejeran: I just want to make sure that when we do this, we are...

Legal Counsel N. Toft: It would be applicable, yes because, with the declaration of the null and void, the rights would go back to the original applicant. Because the original applicant passed away the 9.1 ****inaudible****

Land Agent II J. Casem: But there was already a lease.

Chairwoman P. Fejeran: Can you say that again? Because of the null and void...

Legal Counsel N. Toft: If he were still living, it would not be applicable. But 9.1 comes into play when the original applicant is deceased, and the Commission can designate a beneficiary.

Chairwoman P. Fejeran: Ok.

Legal Counsel N. Toft: And so, because the AG's opinion reverted back to the original applicant, which this one has passed. So, then we use 9.1 as the mechanism to determine the successor.

Chairwoman P. Fejeran: Ok, because the original successor...

Legal Counsel N. Toft: Disclaimed it to...

Chairwoman P. Fejeran: Disclaimed it...

Legal Counsel N. Toft: Disclaimed it to Mr. Guzman.

Chairwoman P. Fejeran: Ok.

Legal Counsel N. Toft: The procedure would be...for the bookkeeping purposes to terminate the original lease and then to recognize Benny Guzman as the successor under 9.1 and then to issue him a new lease. ****inaudible****

Chairwoman P. Fejeran: Ok.

Commissioner A. Bordallo: I would like to make a motion first to terminate the agriculture lease ****inaudible****

Chairwoman P. Fejeran: I think that's correct.

Commissioner A. Bordallo: ****inaudible****

Legal Counsel N. Toft: Just start with that one first. ****inaudible****

Chairwoman P. Fejeran: Motion has been made to terminate the lease under instrument 90940

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Second by Tan Amanda. Further discussions?

All Commissioners: None

Chairwoman P. Fejeran: None. All those in favor.

All Commissioners: Aye

Chairwoman P. Fejeran: Aye's have it, motion passes, unanimously.

Commissioner A. Bordallo: I'd like to make a motion to name Benny Guzman as successor to Joaquin A. Guzman's beneficiary under Public Law 23-38, Section 9.1.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion has been made and second. Further discussion?

All Commissioners: None

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ok, motion passes. So, Mr. Guzman we kind of gone through the administrative steps required and a motion passed and now the staff will be working on your lease for the property.

Mr. B. Guzman: Un Dangkulo na si Yu'us Ma'ase. (Thank you very much).

Chairwoman P. Fejeran: Thank you.

Land Agent II J. Casem: There is one more motion to award the lease.

Commissioner A. Bordallo: Ok, a motion to grant an agriculture lease upon the submission of a farm plan and a completion of a survey on tract 10316, block 11, lot 20 Dededo containing an area of 2,143 square meters.

Commissioner A. Santos: I Second it.

Chairwoman P. Fejeran: Motion made and second it. I guess I'm a little bit slow today. So, the first motion that was passed was to terminate the original lease, the second motion passed was designating him as a successor and now we're talking about a lease. I don't think we had a chance to discuss the requirement of a farm plan or a completion of a survey. I'd like to discuss that a little bit. Mr. Guzman, are you currently farming the property?

Mr. B. Guzman: No.

Chairwoman P. Fejeran: Do you have access to the property?

Mr. B. Guzman: I do have access, but I did not proceed because of the letter I received last year in March. I've seen the property, but I have not done anything to it.

Chairwoman P. Fejeran: Are you prepared to use the property as agriculture?

Mr. B. Guzman: Oh, yes, I am.

Chairwoman P. Fejeran: Do you have experience?

Mr. B. Guzman: Yes, I have.

Chairwoman P. Fejeran: Ok, does this property have access?

Land Agent II J. Casem: There is a kind of like a makeshift easement. So, there's a makeshift easement that leads towards the agriculture lots in the back. So, the easement comes from where the GPA, that lot there's an easement there and a clearing.

Chairwoman P. Fejeran: So, he does have, he would be able to access the property.

Land Agent II J. Casem: Yes, but until the property is surveyed, then he would fully know where his meets and boundaries are.

Chairwoman P. Fejeran: Are there others in this tract before him?

Land Agent II J. Casem: I believe there are one or two lessees before him. So, there's a little opening but, then again...yeah...

Land Agent II Glenn Eay: Madam Chair, ****inaudible****

Chairwoman P. Fejeran: Has that entire area been surveyed? No. So, my question is the cost of the survey is substantial because it's one tiny lot in the middle in this entire piece. If these lessee around him have not surveyed it, can we get them to survey at one time and the cost would be lower?

Land Agent II J. Casem: Not all of those lots have been filled. So, reason being that some of our lessees don't have access and because the area is not fully accessible, that kind of scares the client away.

Chairwoman P. Fejeran: Ok, can we use this as an opportunity get lessees onto the property and working together in getting that whole piece of land surveyed and access to it.

Land Agent II J. Casem: We can try, I believe the first two have already been surveyed so, if the surveyor would have some reference to, yeah, they would have a reference to use for Mr. Guzman's property. I can't really say, probably the survey team can answer that in terms of the survey portion.

Engineer Technician II Pierce Castro: We actually kind of proposed tracts of land be surveyed by one surveyor, it will resolve a lot of issues, but I think we have to propose an RFP, is that correct? I mean we have to bid it out...

Land Agent II J. Casem: If the Trust is willing to move in that direction then that would be the way to do it, but if the constituents are the ones to pay for it then it's hard to say whether to choose that surveyor or not. Or whether they want someone else for a cheaper price. So, it just varies what the constituents want to do. If the Trust is leaning towards wanting to pay for the survey, I can just tell you now we don't have the funds to pay for it.

Chairwoman P. Fejeran: Even with the two hundred thousand that was sitting there? The receivable from GovGuam.

Program Coordinator III J. Cruz, Jr.: We sent a letter to the DOA director; I believe a month ago and we still haven't gotten a response back.

Chairwoman P. Fejeran: So, they took the six hundred thousand, and haven't given it back yet, but there's two hundred thousand that we could possibly use, that we can't touch or use at all.
Program Coordinator III J. Cruz, Jr.: What we can do maybe is in the law that the infrastructure fund, the board can extend the money by writing a resolution to, we can propose those expenditures, then we can offset so, that's one **inaudible**

Chairwoman P. Fejeran: My question is, and again it goes back to survey. Would the surveyor charge substantially less if they are surveying this whole area, one shot? Verses, fifteen different people going and asking them to survey.

Engineer Technician II P. Castro: Yes, it's upon the surveyor how they set the price

Program Coordinator III J. Cruz, Jr.: **inaudible**I would think it would because...

Chairwoman P. Fejeran: Find all the different points

Program Coordinator III J. Cruz, Jr.: One of the biggest problems we are having right now is, this is the problem, one surveyor will come and survey the lot, a sister would hire another surveyor, when they come together there's always issues. It's something we try to catch but...we would love for one surveyor to come and do the whole tract and it would solve a lot of issues...but...

Commissioner A. Bordallo: **inaudible**

Chairwoman P. Fejeran: You know again I like the idea of submitting a farm plan, because then, would show the Commission you got a plan for the land, and it would be used for intended purpose but then again survey, we have to work more efficiently, and help out our lessees who have to fork out sometimes two thousand dollars on a survey that doesn't, it fulfills no other propose than survey their lot. The money spent should be, have a greater purpose. Can you tell me what lots are vacant or leased out already in this area?

Land Agent II J. Casem: From my general knowledge I know that the first two before Mr. Guzman's own. Those are the only ones.

Chairwoman P. Fejeran: **inaudible**I think considering that this was leased out back in 2017 to Mr. Guzman's brother and now we are just going to get it to him I would be comfortable with a submission of a farm plan prior to lease issuance as a condition. I believe we've asked the director to look into the questions the Commission asked to surveying and to put together a plan for getting these surveys done, knowing that on the books we have the money, right, so, I think that's something we can work on and figure out a way forward.

Land Agent II J. Casem: Well based on Directive 2019-02, that is Mr. Hattig's directive, indicating survey prior to lease issuance, should be completed. I believe that survey can...

Chairwoman P. Fejeran: Wait...say that again. What is 2019-02?

Land Agent II J. Casem: It indicated that a survey is to be completed prior to a lease issuance.

Chairwoman P. Fejeran: And who...what? What is this?

Land Agent II J. Casem: A directive issued by Mr. Hattig. Prior to a lease issue...

Chairwoman P. Fejeran: When was that issued? Why was that not brought to the Commission for approval? I thought the Commission directs the Director. When was this done? When was this...?

Land Agent II J. Casem: I don't exactly, but it was just this year.

Chairwoman P. Fejeran: Well, I mean...What's directive 2019-01?

Land Agent II J. Casem: **inaudible**we'll get a copy.

Chairwoman P. Fejeran: Is there a 03?

Program Coordinator III J. Cruz, Jr.: We'll get a copy

Chairwoman P. Fejeran: I believe those are policy decisions that only the Commission can make. Legal are you aware of these directives?

Legal Counsel N. Toft: It was brought to my attention that he is seeking to have surveys done prior to a lease being issued so the exact **inaudible**to be determine at the time the lease **inaudible**so there'll be an award to the lot **inaudible**but because the survey gives the

exact dimension of the whole, but because we have had situation where we have a tract with five or six lessees on ****inaudible**** and then ****in audible****

Chairwoman P. Fejeran: I understand, but I also believe that we're trying to get properties to individuals and having this requirement we are pricing out a majority of our beneficiaries and in the past it hasn't been a perfect way to do things, but it got people onto properties, and now to have that requirement, I'm a bit disturbed that directives were made without Commission's ****inaudible**** that is a very fiery change directive that affect the whole program.
Program Coordinator III J. Cruz, Jr.: Glenn went to get a copy of the directive.

Chairwoman P. Fejeran: The Trust is not a surveying, we don't have the resources for survey, the lands should have been registered and surveyed before it was transferred to the Trust's inventory. It wasn't so now we are trying to work with what we have. The mission of the Trust is to get people on the land and to pass the buck to our beneficiaries, this does not sit well with me. Mr. Guzman, I'm sorry this is coming to light in your case.

Mr. B. Guzman: It's ok, at least it's coming up today.

Chairwoman P. Fejeran: Thank you.

Commissioner A. Bordallo: ****inaudible****

Chairwoman P. Fejeran: Who did the mapping?

Engineer Technician II P. Castro: The map was created by Land Management but ****inaudible****

Land Agent II J. Casem: I believe also, like with the utility companies upon the request for service, they also have requirements, a requirement to put installation in they have advised they would need a survey, a recorded lease. Even if we were to just issue the lease and a utility authorization, and the lessee goes there, they may be rejected because there is no resource or reference for them to utilize in terms of putting a power line or a water line, they don't have that reference of a survey map, so, that's one thing that has come before our office. Where we currently have lessees, who don't have any survey but they do have a lease and then they have had power and water before but they sometimes they may get rejected, they may be approved but that is something that has come to light often. That is their requirements, even if our office issues out a utility authorization it would be up to the utility company to approve or disapprove.

Chairwoman P. Fejeran: For those leases that don't have surveys are they recorded? Have those leases been recorded?

Land Agent II J. Casem: I believe so...

Chairwoman P. Fejeran: They are recorded, those are recorded leases...

Legal Counsel N. Toft: I don't think it's the recording, the problem is it should have a generic area to...

Chairwoman P. Fejeran: This doesn't seem to be a generic area.

Legal Counsel N. Toft: I mean with massive planning, it's a little ****inaudible**** to say but prior to this we've had issues, for example there is a five-acre tract and...

Land Agent II J. Casem: A portion of...

Legal Counsel N. Toft: Yeah, a portion of it, GWA or GPA comes in and they don't know where the points unless someone points to it, but there are no documents that say this is the exact area where. They are extremely worried about...

Chairwoman P. Fejeran: Right, no I understand the portion of and that was why the Land Trust and Land Management went through this whole master planning effort, right. Is that why we required master plans.

Program Coordinator III J. Cruz, Jr.: In certain places. Tax assessments. ****inaudible****

Chairwoman P. Fejeran: So, right now, it looks like that property is described, right? But it's not...it was described here, tract 10316, block 11, lot 20, in Dededo. If we put that on a lease, you're saying that the utility agency will reject it?

Legal Counsel N. Toft: Possibly.

Program Coordinator III J. Cruz, Jr.: Possibly because they are no survey. I can't speak for the utility agency how they go about with their procedures but that has been something that has been brought up to where they can't utilize something to reference to probably put in a pole or put in a line, they don't want to put it pass the lot, they don't want to...they want to be able to put it where it should be placed.

Commissioner A. Santos: **inaudible**

Commissioner A. Bordallo: **inaudible**

Chairwoman P. Fejeran: 19...

Commissioner A. Bordallo: **inaudible**

Engineer Technician II P. Castro: I believe that master plans based on the tabletop, and **inaudible**they didn't go out to measure it, just on the tabletop, so, won't be able to provide accurate points so may be estimated distances, based on...

Commissioner A. Bordallo: **inaudible**

Legal Counsel N. Toft: That's the tricky part of it, if the utility company goes out there, they can't tell the property markers **inaudible**if the, you can do may be a license to occupy the land, to say such time they get a survey **inaudible**the concern is that it's kind of backwards that the lease is disbursed and survey second because the lease should have the survey description of the lot. **inaudible**

Land Agent II J. Casem: You have to pay another twenty-five dollars.

Commissioner A. Bordallo: **inaudible**

Legal Counsel N. Toft: I don't think you need to say approve the directive, but you can make individual case **inaudible**

Chairwoman P. Fejeran: Ok, I believe you made a motion, Commissioner Bordallo.

Commissioner A. Bordallo: **inaudible**

Chairwoman P. Fejeran: Does your motion still stand?

Commissioner A. Bordallo: Yes, **inaudible**

Chairwoman P. Fejeran: Ok, maybe restate your motion.

Commissioner A. Bordallo: **inaudible**

Chairwoman P. Fejeran: Retract your old motion and restate.

Commissioner A. Bordallo: **inaudible**

Chairwoman P. Fejeran: I think if we are putting the conditions of a farm plan and a survey to be completed, those would have to be completed prior to an issuance of a lease. Right?

Land Agent II J. Casem: Yes, ma'am

Chairwoman P. Fejeran: I guess it wouldn't be a, you wouldn't call it a conditional, it would be to grant the lease conditional upon completion.

Legal Counsel N. Toft: Yeah

Chairwoman P. Fejeran: Ok

Commissioner A. Bordallo: A motion to grant an agricultural lease **inaudible**

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and second it. Further discussion?

All Commissioners: None

Chairwoman P. Fejeran: All in favor?

All Commissioners: Aye

Chairwoman P. Fejeran: Aye's have it, ok. So, the lease, Mr. Guzman so you would have to submit a farm plan to a land agent. Also, a survey authorization would be issued to you in order to go out and get utilities for your property, upon completion of a survey a lease will be issued.

Mr. B. Guzman: Si Yu'us Ma'ase

Chairwoman P. Fejeran: Thank you.

Mr. B. Guzman: Thank you again.

SWITCHED AND TRANSFERRED LEASE LIST

- SEBASTIAN S. QUENGA, JR.

Chairwoman P. Fejeran: Ok, next item on the agenda.

Land Agent II J. Casem: Unfortunately, Mr. Quenga had to work, but before you I have a lessee Sebastian Santos Quenga Jr., original applicant is Sebastian Santos Quenga. He is also a part of the switch and transfer lease listing. Here we have been advised that he would like to revert the lease and application back to his father who is the original and request for a lease based on preoccupancy for Mr. Sebastian Santos Quenga.

Chairwoman P. Fejeran: OK so this is an agricultural property, on Tract 15344, Block 4, Lot 4 in Mangilao. I see the file was done in 2018 and the property has lemai, papaya, coconut, and mango and he does have a farm plan in here.

Land Agent II J. Casem: They have been there since the seventies, he, Mr. Quenga, the original, unfortunately, never been issued a lease. Coming forward, is his request so that he could be issued a lease.

Chairwoman P. Fejeran: Again, in order to act we would have to terminate the lease and revert it back to the original. Applicant is a December 5, 1995, revert the original application back to his father and then...

Land Agent II J. Casem: Also, a portion of his occupancy is on Ancestral Lands. ****inaudible**** easement coming from Ancestral, a big portion of their road is actually on Ancestral. So, if you move it up some more John, some more, ok. Up...

Land Agent I John Gumataotao: Up...to the left.

Land Agent II J. Casem: Nearest, right there, back. Back it up so we can see the whole John. Zoom out now.

****multiple conversations****

Chairwoman P. Fejeran: So, also the original applicant himself, that he wants the...

Land Agent II J. Casem: Yes. He did come in and also, he indicated that...

Chairwoman P. Fejeran: ****Inaudible****

Land Agent J. Casem: Designate his son benefactor

Chairwoman P. Fejeran: Ok.

Land Agent II J. Casem: So, you see the clear patch of clearing kind of like a road going in.

Chairwoman P. Fejeran: That one?

Land Agent II J. Casem: Down. The next clearing.

Chairwoman P. Fejeran: That one?

Program Coordinator III J. Cruz, Jr.: No, right in the middle. Up, up...

Engineer Technician II Melvin Javier: Right there.

Land Agent II J. Casem: There you go. So, it leads to his property. It has a fenced gate near the main highway, and it leads to the ranch. We did advise them that, when the Ancestral landowners do come in to take back their property, they wouldn't be able to utilize that easement. That's another question of when they can be giving that easement the correct easement to lead to their property.

Chairwoman P. Fejeran: Are you sure we need an affidavit from the father's ****inaudible****

Land Agent II J. Casem: An Affidavit from the junior to say that he is reverting it back, and we are not held liable.

Legal Counsel N. Toft: ****inaudible****

Chairwoman P. Fejeran: The original applicant, sorry, the original applicant's application, says that he did not, was not living or farming on government land.

Land Agent II J. Casem: Yes, so, there's a Mayor's verification. From our understanding the applicant doesn't understand the question, so, therefore, we request to provide a Mayor's verification to state their date of occupancy.

Chairwoman P. Fejeran: Oh yeah, since 1982. I also see his name on the land use permit list.

Land Agent II J. Casem: So, with that statement we use that prior to the ****inaudible****

Chairwoman P. Fejeran: Ok. Does the Commission have any questions about Mr. Quenga's lease? No? You want to make motions on it?

Commissioner A. Bordallo: Motion to terminate agricultural lease document number 9203025 under Sebastian R. Quenga Jr.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and second it. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it.

Commissioner A. Bordallo: Motion to revert agricultural application back to the original applicant Sebastian Santos Quenga, application number 6933.

Commissioner A. Santos: I second It.

Chairwoman P. Fejeran: Motion made and second it. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it. For the next one, I wanted to ask...

Commissioner A. Bordallo: Can we have a discussion?

Chairwoman P. Fejeran: Yeah, I wanted to discuss that one again because he is a pre-occupier, and has that preoccupancy status, we cannot issue him a lease? Putting this condition on it? Will they have us in violation on that?

Legal Counsel N. Toft: It wouldn't be in violation, the way that the statue is worded, ****inaudible**** we could not do some sort of eviction but like I said the law makes the commission choose whether to issue the lease. ****inaudible****

Chairwoman P. Fejeran: I mean, basically, ****inaudible**** property...to require him to get a survey, I mean he is already ranching it. Any condition would be unfair. It's up to the Commission though.

Commissioner A. Bordallo: ****inaudible****

Chairwoman P. Fejeran: Did you make the motion?

Commissioner A. Bordallo: ****inaudible****

Chairwoman P. Fejeran: It's up to you, it's your motion. If you want to grant the lease upon completion of a survey, if that's what...

Commissioner A. Bordallo: Motion to grant a lease upon completion of a survey 15344, Block 4, Lot 7, Mangilao, containing an area of 1,174+/- square meters.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: A motion has been made and second it. Further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ok, Aye's have it. So, again the lease ****inaudible****and you'll work on obtaining the affidavit so it's clear that it was the son's desire to pass it back to...thank you. Is there anymore for the switch and transfer?

Land Agent II J. Casem: No.

V. NEW BUSINESS

AGRICULTURAL AND RESIDENTIAL LEASING

- JEANETTE TENORIO

Chairwoman P. Fejeran: For today? Wow, we're almost done here. Next item is new business, agricultural and residential leasing, constituent request. First...

Land Agent II J. Casem: I have Jeanette Tenorio, she's actually here, she is asking if we can go ahead and...

Chairwoman P. Fejeran: Hear her case first?

Land Agent II J. Casem: If that's ok?

Chairwoman P. Fejeran: Yes. Jeanette Tenorio. Is it in here?

Land Agent II J. Casem: Yes, it is.

Legal Counsel N. Toft: It's on the last page.

Chairwoman P. Fejeran: Alright. Hafa Adai, welcome.

Ms. Jeanette Tenorio: Hello.

Chairwoman P. Fejeran: Can you state your name for the record?

Ms. J. Tenorio: Jeanette Tenorio.

Chairwoman P. Fejeran: Jhoana?

Land Agent II J. Casem: Before you we have Ms. Jeanette Tenorio, she is a December 4, 1995 applicant, she is here requesting for a lease issuance. With Ms. Tenorio's case, she did once survey a property, however survey, the surveyor that she contracted...had a contract with, I believe that the license was revoked. Therefore, the monies paid toward the survey was returned to her and Mr. Ortega wasn't able to fulfill the completion of the survey. Come present today, Ms. Tenorio is still occupying and clearing the property, but she would like to move forward to for issuance of a lease, of course upon completion of a new survey on this property.

Chairwoman P. Fejeran: Ok. Thank you Jhoana. Ms. Tenorio, are you currently living on the property?

Ms. J. Tenorio: No, I'm currently not occupying, however, I am planting. I can't do anything without a lease.

Chairwoman P. Fejeran: So, this is for residential?

Land Agent II J. Casem: Yes

Chairwoman P. Fejeran: Lease? Ok. You own land, anywhere?

Ms. J. Tenorio: No.

Chairwoman P. Fejeran: No. You've been...this was back in 2005 when you were first issued the survey authorization and notice of intent. Are you prepared to get a survey for the property?

Ms. J. Tenorio: Yes.

Chairwoman P. Fejeran: I'm glad to hear you've gotten your money back.

Ms. J. Tenorio: Yes.

Chairwoman P. Fejeran: ****inaudible**** What prompted you to come to the Commission? The Land Trust?

Ms. J. Tenorio: What?

Chairwoman P. Fejeran: What prompted you to move forward, because I know there's many in your...

Ms. J. Tenorio: When I came to show the map, I was told that it was not signed. They told me to see the board. So, they had to go and search for the one who did the map.

Chairwoman P. Fejeran: I see.

Commissioner A. Santos: Put a motion?

Chairwoman P. Fejeran: Yeah, you can state your motion louder Tan Amanda.

Commissioner A. Santos: Motion to approve a residential lease upon completion of a survey for Jeanette Tenorio on tract 10125 block 13 lot 12, Dededo.

Commissioner A. Bordallo: I second

Chairwoman P. Fejeran: Motion made and second it, further discussion?

All Commissioners: No.

Chairwoman P. Fejeran: No? ok, all those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it. The motion passes.

Ms. J. Tenorio: Thank you

Land Agent II J. Casem: We will go back to Mr. David Chaco Nauta.

Chairwoman P. Fejeran: So, there's nobody else present?

Land Agent II J. Casem: No.

AGRICULTURAL AND RESIDENTIAL LEASING

- DAVID C. NAUTA

Chairwoman P. Fejeran: Mr. Nauta's not present?

Land Agent I Jessica Dayday: He's here.

Chairwoman P. Fejeran: Mr...hi.

Land Agent I J. Dayday: Hafa Adai, I'm Jessica Dayday, land agent with CHamoru Land Trust Commission.

Mr. David Nauta: My name is David Chaco Nauta.

Land Agent I J. Dayday: Mr. Nauta was here at the last board meeting, and his...after the meeting he wasn't really...he mentioned that he didn't really understand what was happening, his request was actually for the power under residential. He didn't want to change the type, his application type. He wanted to keep it at agriculture, he wanted to keep his one acre, because he already had surveyed the property. There was just so many things with this case that was going on and Mr. Nauta was just...there was just so many things that were going on. Which his lease should have been giving to him when it was issued the first time, and it was just never signed never followed through because he was told that he wasn't allowed to have one acre so they had to take away half of his acre, which he already surveyed for one acre. He was told many different things and he didn't fully understand. So, he's here today to have the application back to agriculture and to be issued the lease for his property. He wanted to change it to residential, but now he wants it back to agriculture.

Mr. D. Nauta: Originally, I was given agricultural lease, but I was told that was why I couldn't have the other property. That's why the last time I wasn't ****inaudible**** you guys were discussing if I wanted an agriculture or residential. So, I did have a choice. I have a property next to where I am residing at right now without my knowledge and I am trying to get that property as soon as possible because I had that property since eighty-one. It's right next door to the one ****inaudible**** then when my father got sick, where I am residing right now, they asked me to occupy that ****inaudible**** sixty-nine, now the one that I had next door, ****inaudible**** I need GPA to put power where I am residing at because my wife is a cancer patient and right now she can't stay with me because ****inaudible**** 1:07:37

Chairwoman P. Fejeran: Is this the one acre you mentioned in the beginning? He had one acre, but it was reduced to half acre.

Land Agent I J. Dayday: Yes.

Mr. D. Nauta: Yes. Yeah.

Chairwoman P. Fejeran: The subject property is where?

Mr. D. Nauta: The church, Santa Ana.

Land Agent I J. Dayday: Lot 480

Mr. D. Nauta: Lot 480. ****inaudible****

Chairwoman P. Fejeran: He started off as agricultural, then in 2009 he changed to residential, at that time he was told he didn't have a choice. That's where the property is located?

Mr. D. Nauta: Residential only. I was told I had no choice.

Chairwoman P. Fejeran: But...

Land Agent I J. Dayday: The other property he was a pre occupier, and ****inaudible**** the property he is occupying right is his father's, and his father was a pre occupier and had a LUP. His property that he originally had, he was told that couldn't have that property, and that one was taken away due to there was a typhoon and of course you can't stay there if...

Mr. D. Nauta: I was told that couldn't have that property because that's why they took it away from me.

Chairwoman P. Fejeran: When did they take this away? Land Trust?

Mr. D. Nauta: Yes, Land Trust. There was a structure there, there was a cement flooring ****inaudible**** because of the typhoon it broke. ****inaudible**** I come to find that the property was taken away from me without my knowledge. I had to argue with this person. ****inaudible****

Chairwoman P. Fejeran: ****inaudible****

Land Agent I J. Dayday: That's the one he's occupying.

Chairwoman P. Fejeran: You would like to keep it as an agricultural property? Agricultural lease?

Mr. D. Nauta: ****inaudible****

Commissioner A. Bordallo: ****inaudible****

Mr. D. Nauta: See all the confusion, that is my mom. She has another property ****inaudible**** Santos is my common law wife.

Commissioner A. Bordallo: This is what Land Trust...

Land Agent I J. Dayday: That's what it states on his beneficiary

Mr. D. Nauta: Too many confusions. I was given the run around since...

Land Agent I J. Dayday: Actually, his beneficiary is his daughter.

Chairwoman P. Fejeran: Does your daughter have the same name?

Mr. D. Nauta: Santos. My daughter is Theresa Santos, she...

Chairwoman P. Fejeran: Bernadette T. Santos is your common law wife.

Mr. D. Nauta: My daughter's mother.

Land Agent I J. Dayday: But his beneficiary is his mom.

Mr. D. Nauta: Yes. That one.

Chairwoman P. Fejeran: The name is wrong on the report.

Land Agent I J. Dayday: Based on the sheet, the interview sheet, it says who his beneficiary is.

Chairwoman P. Fejeran: I am looking at the original application and it was for residential.

Commissioner A. Bordallo: Who is ****inaudible****

Chairwoman P. Fejeran: David Chaco Nauta, for residential.

Commissioner A. Santos: He wants to convert it to agriculture.

Commissioner A. Bordallo: ****inaudible****

Chairwoman P. Fejeran: Your father's?

Land Agent I J. Dayday: The one he's occupying right now, that was his father's but the one he was talking about that was taken away, was originally his.

Mr. D. Nauta: The one in the red that's where I am residing at right now. The one next to it, is the one that was taken away from me and I am trying to get it back.

Chairwoman P. Fejeran: Is that property currently leased?

Land Agent I J. Dayday: We can verify. It has been awarded.

Commissioner A. Santos: ****inaudible****

Mr. D. Nauta: Yeah. I was trying to tell Ms. Nededog, Ms. Lorraine Nededog, she told me I couldn't have it because it's not surveyed. ****inaudible**** there's nothing she can do about it. ****inaudible****

Commissioner A. Bordallo: ****inaudible****

Land Agent I J. Dayday: Allow us to verify...

Mr. D. Nauta: ****inaudible****

Land Agent I J. Dayday: To see if the lot has been awarded.

Mr. D. Nauta: ****inaudible****

Chairwoman P. Fejeran: 480-10 is half acre or one acre? There are two draft leases in here that's showing the one acre.

Program Coordinator J. Cruz, Jr.: Madam Chair, I believe there's also a map by Ventura.

Land Agent I J. Dayday: It's in the back.
Chairwoman P. Fejeran: Yes, so, this is the approved map?
Commissioner A. Bordallo: **inaudible**
Chairwoman P. Fejeran: 480-10.
Land Agent I J. Dayday: I think it was a check print.
Chairwoman P. Fejeran: 480-11 is his request.
Land Agent I J. Dayday: **inaudible**
Chairwoman P. Fejeran: This survey map does show continuing on along the roadway.
inaudible What did we do at the last meeting? October 17, 2019.
Land Agent I J. Dayday: The transfer application type from agriculture to residential and then issuance of a lease. For residential.
Chairwoman P. Fejeran: Your request today is to revert back to your agricultural status?
Mr. D. Nauta: Yes ma'am, if you can.
Chairwoman P. Fejeran: There's a lease prepared but no signature. But this was back in 2012. His original application was residential. He checked residential.
Land Agent I J. Dayday: So, that was the confusion because he was told that can only be residential not agriculture.
Chairwoman P. Fejeran: Back when he applied.
Land Agent I J. Dayday: Correct.
Chairwoman P. Fejeran: Got it.
Legal Counsel N. Toft: **inaudible**
Land Agent I J. Dayday: A residential **inaudible**
Program Coordinator J. Cruz, Jr.: Majority of the properties here have leases for a portion of Lot 480 so, consider this being 480, somebody could have been issued this particular area, no one has been assigned this lot.
Mr. D. Nauta: That was given to Barcinas.
Chairwoman P. Fejeran: Yeah
Mr. D. Nauta: **inaudible**
Commissioner A. Bordallo: When you came 2012
Mr. D. Nauta: Yes.
Commissioner A. Bordallo: **inaudible**
Mr. D. Nauta: Yes. I think it was Mr. **inaudible**
Land Agent I J. Dayday: That was the time of...
Commissioner A. Bordallo: **inaudible**
Mr. D. Nauta: Yeah, yeah
Commissioner A. Bordallo: **inaudible**
Mr. D. Nauta: I've been coming here a long time **inaudible**
Commissioner A. Bordallo: Did you have a survey done?
Mr. D. Nauta: No. **inaudible**
Land Agent I J. Dayday: He did survey, but his map was not complete, that was one of the Venture maps but the property he's talking about, the one he's not occupying right now is the one he didn't survey.
Commissioner A. Bordallo: What's the lot number?
Mr. D. Nauta: Where the red line there...
Land Agent I J. Dayday: 480-11
Chairwoman P. Fejeran: That one?
Mr. D. Nauta: No, that one.
Chairwoman P. Fejeran: That was the one that was taken away?
Mr. D. Nauta: Yes. **inaudible**
Commissioner A. Bordallo: Was that under your dad's name?
Mr. D. Nauta: The one in the red was under my dad's name.

Chairwoman P. Fejeran: That one?

Mr. D. Nauta: The one in the red, that's where I'm at. That's where I a residing.

Chairwoman P. Fejeran: The one where you were once.

Mr. D. Nauta: Yes ma'am.

Land Agent I J. Dayday: ****inaudible****

Mr. D. Nauta: ****inaudible****

Commissioner A. Bordallo: Someone's occupying that one now?

Mr. D. Nauta: Yes.

Commissioner A. Bordallo: Who's there?

Mr. D. Nauta: ****inaudible**** I even argued with the person. That's why I was asking them what are they doing here?

Land Agent I J. Dayday: Madam Chair, if you allow us to do a site inspection whether there is anyone occupying that lot or not.

Mr. D. Nauta: That ****inaudible****

Land Agent I J. Dayday: We'll verify regarding that issue.

Chairwoman P. Fejeran: Ok. We have to do further research for your request today, we're not ready to move on but thank you for coming in...

Commissioner A. Bordallo: ****inaudible****

Mr. D. Nauta: Thank you for time.

Chairwoman P. Fejeran: Ok, thank you.

Land Agent I J. Dayday: We will do a site inspection and get all the necessary documents.

AGRICULTURAL AND RESIDENTIAL LEASING
- JOSEPH N. SALAS

Program Coordinator J. Cruz, Jr.: We can go ahead and skip the next one because Mr. Rodriguez is not here. The next person is Mr. Joseph Salas. I just wanted to disclose ma'am Ms. Dayday is relation to Mr. Salas.

Chairwoman P. Fejeran: Ok, thank you. We do have an affidavit of disclosure.

Land Agent II J. Casem: Before you we have Mr. Joseph Nededog Salas, he is requesting for a residential lease issuance based on his completion of the survey, on his lot, which is tract 319-unit 3, block 2NEW, lot 5, Agat. He has already completed the survey retracement, it was surveyed by Mr. Paul Santos, back in the day under DLM 192FY93 and Mr. Salas has completed a retracement for this property.

Chairwoman P. Fejeran: Ok. Mr. Salas is a December 9, 1995 applicant. This is for residential?

Land Agent II J. Casem: Yes ma'am. It's the quarter lot.

Chairwoman P. Fejeran: Agat?

Land Agent II J. Casem: Yes. It's the quarter lots. There is infrastructure in the area. ****inaudible****

Chairwoman P. Fejeran: Mr. Salas, do you own property anywhere?

Mr. Joseph Salas: No.

Chairwoman P. Fejeran: Are you ready to build a home on the property?

Mr. J. Salas: Yes, I am ready.

Chairwoman P. Fejeran: I guess these were one of those properties that were, I guess reserved for an applicant. He went out and did the survey, now he comes back and shows survey completed, and now the Commission is being asked to now issue a lease based on those factors.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Any questions?

Legal Counsel N. Toft: Under the ****inaudible****

Chairwoman P. Fejeran: We tend to go back and forth, right. He waited years.

Commissioner A. Bordallo: Motion to approve a residential lease issuance to Joseph Nededog Salas, Joseph Salas, for lot 319-unit 3, block 2New, lot 5, Agat containing an area of 1,248 +/-

square meters based on the survey completion referencing Department of Land Management 132FY95 document number ****inaudible**** recorded at the Department of Land Management.

Commissioner A. Santos: I second it

Chairwoman P. Fejeran: Motion made and second it. Further discussion?

All Commissioners: None

Chairwoman P. Fejeran: None. All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it. Motion passes, thank you for completing this and I look forward to you putting together your building plan because you would have to come before the Board, ok.

Mr. J. Salas: Yes, thank you.

Chairwoman P. Fejeran: Thank you Mr. Salas. Next up, how many more constituent matters, do we have?

Land Agent II J. Casem: Four.

Program Coordinator J. Cruz, Jr.: Can we have a recess?

Chairwoman P. Fejeran: Yeah, let's have a five-minute recess. We will reconvene at 2:45.

*****Five Minute Recess*****

Chairwoman P. Fejeran: I would like to call this Land Trust Commission meeting to order. Thank you everybody for your patience. Next up.

AGRICULTURAL AND RESIDENTIAL LEASING

- GARY CRUZ GARRIDO

Land Agent II J. Casem: Before you we have Mr. Gary Cruz Garrido, he's coming before you for a request of a loan guaranty under 152 ***inaudible*** Mangilao and everything has been processed he surveyed the property, the lease has been recorded, and it's just the pending approval of the Commission, as he has already gone through Guam Housing for his pre-approval and the building plan are also attached in the packet.

Chairwoman P. Fejeran: Thank you Jhoana. Hi, can you just state your name for the record?

Mr. Gary Garrido: Gary Cruz Garrido.

Chairwoman P. Fejeran: Your mother was the original applicant? Is that right?

Mr. G. Garrido: No, ma'am ****inaudible****

Chairwoman P. Fejeran: How did he have her application? Jhoana?

Land Agent II J. Casem: This was a transfer request it is based on the section 7.5, original applicant had the lease for seven years, and then it was transferred.

Chairwoman P. Fejeran: Your mother had the lease, right, and then transferred it to you, got it. You've already gone to Guam Housing to get your loan?

Mr. G. Garrido: Yes ma'am

Chairwoman P. Fejeran: That's wonderful. I had a chance to review your building plan, I'm happy for you and your family. Now this is probably one of my favorite parts of sitting here and seeing our applicants and beneficiary to the Trust, really take the property and get a life for themselves. I'm sure it hasn't been easy, right? I mean, with all these forms. Thank you for doing that. Has Legal Counsel had a chance to review the Guam Housing loan document?

Legal Counsel N. Toft: Yes.

Chairwoman P. Fejeran: I haven't seen it. There it is...building stuff...

Land Agent II J. Casem: The whole ****inaudible**** I'm sorry, approval.

Chairwoman P. Fejeran: But what is being requested is the Land Trust to Guaranty it right?

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: The contract, right? A loan guaranty contract.

Land Agent II J. Casem: That would come after you, the Commission actually approve it.

Chairwoman P. Fejeran: I see.

Land Agent II J. Casem: ****inaudible**** it's different from the SBA.

Chairwoman P. Fejeran: Maybe that's what I was thinking of...ok, I got it. SBA has the document already.

Land Agent II J. Casem: ****inaudible****

Chairwoman P. Fejeran: Well I'm not sure Ms. Bordallo were here when we did loan guarantees, but right now Guam Housing Corporation is the only lending institution that will lend to our Land Trust beneficiaries. In order for them to approve the loan the Land Trust has to guaranty it.

Commissioner A. Bordallo: ****inaudible**** I understand.

Chairwoman P. Fejeran: I have no questions.

Commissioner A. Bordallo: ****inaudible****

Chairwoman P. Fejeran: Even if you...

Commissioner A. Bordallo: Motion to approve loan guaranty for 142,000.00 for Gary Cruz Garrido on tract 15413 block 5 lot 3, Mangilao.

Commissioner A. Santos: I second it

Chairwoman P. Fejeran: Motion made and second it. Further discussions?

All Commissioners: None.

Chairwoman P. Fejeran: All in favor:

All Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it, ok, motion passes. This is the loan guaranty approval from the Commission. I also saw something about an estoppel certificate? Does that come from the Trust or is that somebody else?

Land Agent II J. Casem: It will be with the process; they usually give out with the guaranty.

Chairwoman P. Fejeran: That's just given out with the loan guaranty?

Land Agent II J. Casem: Yes

Chairwoman P. Fejeran: Ok.

Commissioner A. Santos: ****inaudible****

Chairwoman P. Fejeran: Congratulations, thank you.

Mr. G. Garrido: Thank you. ****inaudible****

**AGRICULTURAL AND RESIDENTIAL LEASING
- JOURNEY MANSAPIT SANTOS**

Chairwoman P. Fejeran: Alright, next on the agenda. Please state your name for the record.

Land Agent I John Gumataotao: Hafa Adai, my name is John Gumataotao, Land Agent with CHamoru Land Trust.

Commissioner A. Santos: He's going to apply?

Chairwoman P. Fejeran: We are looking at Journey Mansapit Santos.

Land Agent I J. Gumataotao: Yes.

Chairwoman P. Fejeran: Is that right? Are they here?

Land Agent I J. Gumataotao: Yes.

Chairwoman P. Fejeran: Hi Mr. Santos.

Commissioner A. Santos: ****inaudible****

Chairwoman P. Fejeran: Hafa Adai.

Mr. Journey Santos: Hafa Adai, my name is Journey Santos.

Chairwoman P. Fejeran: Alright.

Land Agent J. Gumataotao: In regard to Mr. Santos, his father, he obtained the lease from... his father passed away and made his son the beneficiary however, Mr. Santos was given a lease from Tract 102 ****inaudible**** Lot 7, this property or parcel is kind of like very complicated, initially, they proposed the subdivision to be close to the sewer and infrastructure. They created parcels based on the minimum under five hundred. Later on, it was changed back to standard half acre lot, because of the water lines lack of infrastructure. Prior to that they reissued lease to Mr. Santos, based on the original hundred by hundred. Now that Mr. Journey Santos is, he inquired and he's wanting to start, so the policy is to relocate those lessees who

were issued a lease and not occupying, that was the end result. Now, we come before you to request an approval to relocate to available properties to lease and we end up identifying a property already.

Chairwoman P. Fejeran: You did?

Land Agent I J. Gumataotao: Yeah.

Chairwoman P. Fejeran: Ok

Land Agent J. Gumataotao: We didn't list it here, but...I think the first is to get an approval and second is do we terminate the original lease? Then re-issue a new lease.

Program Coordinator III J. Cruz, Jr.: What's the new property?

Land Agent J. Gumataotao: It's track 10121 blocks...in Mataguac. I know its Lot 6. Go up, up...there. Yeah.

Chairwoman P. Fejeran: I'm sorry I don't see a...

Commissioner A. Bordallo: John, can you give us the block number?

Land Agent J. Gumataotao: Tract 10121 Block 3 Lot 6.

Chairwoman P. Fejeran: Oh, Block 3, Lot 6.

Program Coordinator III J. Cruz, Jr.: We have to ****inaudible****

Land Agent I J. Gumataotao: The property is available; I mean I did all the research and it's actually in the ****inaudible****

Chairwoman P. Fejeran: In here?

Land Agent I J. Gumataotao: The process is before a lease is issued, the land agent one will do the research, the land agent two will verify the availability. This land hasn't gone through the process. I ask that you allow us to verify so no double issue

Legal Counsel N. Toft: You can make the approval conditional upon...

Chairwoman P. Fejeran: That makes sense. Just to recap, the current lease, was there ever an addendum, oh there. An addendum to lease in 97, where Mr. Santos appeared before to...

Land Agent I J. Gumataotao: The lease in January 23, 1997, was the original lease, yes, my findings were that we issue an addendum to the residential lease, 1997, subject to a survey, because...

Chairwoman P. Fejeran: Well we're issuing an addendum putting him as the lease holder now.

Land Agent I J. Gumataotao: Right.

Chairwoman P. Fejeran: We're also moving him to another property.

Land Agent I J. Gumataotao: Right.

Chairwoman Fejeran: Right now, he's not on any lease?

Land Agent I J. Gumataotao: ****inaudible****

Chairwoman P. Fejeran: His name... his father's passed away, and then do we have...documentation, like the death certificate?

Land Agent I J. Gumataotao: Yes.

Chairwoman P. Fejeran: Ok, got it. The original...Journey was listed as his father's beneficiary?

Land Agent I J. Gumataotao: Should be an affidavit or a...

Chairwoman P. Fejeran: Oh, yeah. I don't...who is...Jeremiah? Jeremiah?

Mr. J. Santos: He is my brother.

Chairwoman P. Fejeran: Your brother. Originally, he named both of you as his beneficiaries, then, there's a form in here not signed or dated. Has your brother relinquished his rights?

Mr. J. Santos: Yes.

Chairwoman P. Fejeran: Do we have one on hand?

Land Agent I J. Gumataotao: Yes. There is one.

Chairwoman P. Fejeran: Jeremiah's name, Journey can have it. Got it. Ok, this is all really good information we should have in the staff report.

Land Agent I J. Gumataotao: Yeah

Chairwoman P. Fejeran: Even including who the original applicant was, Mr. Santos, December 2, 1995 applicant, passed away, so that we can follow along from application to lease issuance, have all of that information.

Land Agent I J. Gumataotao: I used...because the file was already in his name, in Journey's name, everything was there, there should be a staff report, for the request to change, transfer under beneficiary rights. The issue at hand is not the transfer of the lease from the father to his, because that was already done.

Chairwoman P. Fejeran: I don't see it done.

Land Agent I J. Gumataotao: It should be there.

Chairwoman P. Fejeran: Wouldn't it had been an addendum?

Land Agent I J. Gumataotao: No, because an addendum is subject to the requirements.

Chairwoman P. Fejeran: You're saying the information we are requesting is not necessary?

Land Agent J. Gumataotao: No. It is, but it should of came before, I mean it isn't part of this. This staff report because this staff report is specific to request to approval to relocate because the file already was changed. That's what we were told by the Director and whatever the request is or the issue it be...

Chairwoman P. Fejeran: Ok, December 18, 2018 he transferred the lease, ok, we approved the transfer the lease to Journey, that was in 2018 but that was never done...

Land Agent J. Gumataotao: Not the actual...

Chairwoman P. Fejeran: Issuing the lease.

Land Agent I J. Gumataotao: At the time ****inaudible**** I tried to find an available property.

Chairwoman P. Fejeran: The property that was identified Tract 10121 Block 3 Lot 6. Journey did you get a chance to look at the property and your...

Mr. J. Santos: Yes

Chairwoman P. Fejeran: It's acceptable to you?

Mr. J. Santos: Yes.

Chairwoman P. Fejeran: Is there infrastructure available and access currently? There is?

Land Agent I J. Gumataotao: There's...I see there's a...I see there is still dirt but recently they put in like a sewer, I think it's sewer. I saw a manhole cover. There's a water, right above the upper lot.

Land Agent I J. Gumataotao: The manhole is a water line.

Program Coordinator III J. Cruz, Jr.: Madam Chair.

Chairwoman P. Fejeran: So, because the lot, that particular lot has not been certified as available, so, that means...

Land Agent I J. Gumataotao: The lot has been shown to another client already.

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Chairwoman P. Fejeran: Why are we showing people lots?

Land Agent I J. Gumataotao: ****inaudible****

Chairwoman P. Fejeran: Was this before the moratorium?

Land Agent I J. Gumataotao: Yes.

Chairwoman P. Fejeran: You showed them the lot before the moratorium?

Land Agent I J. Gumataotao: ****inaudible****

Program Coordinator III J. Cruz, Jr.: In the same area.

Land Agent I J. Gumataotao: ****inaudible****

Chairwoman P. Fejeran: Yeah

Land Agent I J. Gumataotao: If the Board can consider just giving the person pending elaborate...I think that's

Chairwoman P. Fejeran: Legal Counsel?

Legal Counsel N. Toft: I guess that would do to make sure...so, if it's there, if it's available then you don't need to come back for approval.

Chairwoman P. Fejeran: If they have to find another spot?

Legal Counsel N. Toft: They'd have to come back.
Chairwoman P. Fejeran: They have to come back.
Legal Counsel N. Toft: Eventually, **inaudible**
Chairwoman P. Fejeran: If it's found to be available.
Land Agent I J. Gumataotao: If not, they come back.
Commissioner A. Bordallo: One?
Chairwoman P. Fejeran: I think it's **inaudible** motion to relocate him to this Tract 10121, it's 10121 Block 3 Lot 6, right, conditional upon certified of the lot.
Commissioner A. Bordallo: I would like to make a motion to relocate Journey Mansapit Santos to a different residential lot, Tract 10121, Block 3, Lot 6, Dededo, **inaudible**
Commissioner A. Santos: I second it.
Chairwoman P. Fejeran: Motion made and second it. Further discussion?
All Commissioners: None
Chairwoman P. Fejeran: All in favor?
Land Agent I J. Gumataotao: Ma'am? **inaudible**
Commissioner A. Santos: **inaudible**
Land Agent I J. Gumataotao: **inaudible**
Chairwoman P. Fejeran: There is a correction to the motion, it's not Dededo, it's Yigo municipality?
Commissioner A. Santos: Yigo, right.
Commissioner A. Bordallo: Oh, ok. **inaudible**
Chairwoman P. Fejeran: How would we...is there a motion correction?
Legal Counsel N. Toft: Make a new motion to correct the **inaudible** to Yigo, and then...
Commissioner A. Bordallo: Motion to correct block number, Tract 10121, Block 3, Lot 6.
Chairwoman P. Fejeran: Request to correct the motion.
Commissioner A. Santos: I second it
Chairwoman P. Fejeran: Second it by Tan Amanda, all those in favor?
All Commissioners: Aye
Chairwoman P. Fejeran: Ok, aye's have it...thank you for catching that.
Land Agent I J. Gumataotao: **inaudible**
Chairwoman P. Fejeran: I think we did. We didn't vote on the original.
Land Agent I J. Gumataotao: Commissioner Santos **inaudible**
Commissioner A. Santos: **inaudible**
Chairwoman P. Fejeran: Ok, all those in favor of the **inaudible** motion? All those in favor of the corrected motion?
All Commissioners: Aye.
Chairwoman P. Fejeran: Aye's have it, ok. Thank you for catching that. Thank you **inaudible** Next...
Land Agent II J. Casem: Donny Tainatongo.
Chairwoman P. Fejeran: I'm not familiar, oh is that the one you were talking about?
Program Coordinator III J. Cruz, Jr.: I think Jhoana mentioned it to you. There was side conversation and then the motion **inaudible** so his lease is...
Chairwoman P. Fejeran: Was there...
Land Agent II J. Casem: Issue the lease...
Chairwoman P. Fejeran: It's 3:30 and we are still on new business.
Land Agent II J. Casem: **inaudible**
Chairwoman P. Fejeran: The last one?
Commissioner A. Santos: Who's the next one?
Chairwoman P. Fejeran: That's all..

**AGRICULTURAL AND RESIDENTIAL LEASING
- DANIEL RODRIGUEZ**

Land Agent II J. Casem: Mr. Rodriguez is next.

Chairwoman P. Fejeran: This is for ****inaudible****power of attorney, Daniel Rodriguez. Please state your name for the record.

Mr. Daniel Rodriguez: Daniel Rodriguez

Land Agent II J. Casem: Before you we have Mr. Daniel, Rodriguez who is POA to Ms. Barbara Rodriguez. She's requesting for the application type change, residential to agriculture and a request for a lease issuance. There was a completed map, 135FY2018, it had been recorded with Land Management under 932690, and she is a December 2, 1995 applicant.

Chairwoman P. Fejeran: Alright. Thank you. This is for Yigo on Tract 10121, Block 8...

Land Agent II J. Casem: Block 8, Lot 12.

Chairwoman P. Fejeran: Ok. Mr. Rodriguez is here on behalf of Ms. Linda Rodriguez of a lease issuance, but the lease that they want residential.

Land Agent II J. Casem: Agriculture because the area is all agriculture. The whole families in area, so, they are requesting for the residential changed to agriculture.

Chairwoman P. Fejeran: Block 8...this is the subdivision.

Land Agent II J. Casem: The same area as the ****inaudible****

Chairwoman P. Fejeran: Alright.

Land Agent II J. Casem: Madam chair, we still don't have a farm plan. That is the condition to submit a farm plan prior to the issuance of the lease. It's surveyed.

Chairwoman P. Fejeran: It's been surveyed, and because nature of the property and intended use, he is requesting that the application type go from residential to agriculture. Should that go through then do a lease conditional to the submission of a farm plan. I don't have any questions. Mr. Rodriguez the requirements to obtain this lease, must complete a survey. When was this survey authorization...?

Legal Counsel N. Toft: The survey map ****inaudible****

Chairwoman P. Fejeran: It looks like in 2014...I don't see a survey authorization in file but 2014, right?

Land Agent II J. Casem: In the past they gave out once ****inaudible**** the land agent they have ****inaudible****

Chairwoman P. Fejeran: ****inaudible****

Land Agent II J. Casem: Yeah.

Chairwoman P. Fejeran: ****inaudible****

Commissioner A. Bordallo: Motion to change application type from residential to agriculture for Linda Barbara Rodriguez

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded by Tan Amanda. Further discussion?

All Commissioners: None

Chairwoman P. Fejeran: All those in favor.

All Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it.

Commissioner A. Bordallo: Motion to issue agriculture lease issuance for Linda Barbara Rodriguez on Tract 10121, Block 8, Lot 12, Yigo containing an area of 2,024 square meters upon a submission of a farm plan.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded. A lease will not be issued until a farm plan has been submitted. Further discussion?

All Commissioners: None

Chairwoman P. Fejeran: All those in favor.

All Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it.

Commissioner A. Santos: ****inaudible****

Chairwoman P. Fejeran: Any questions sir?

Mr. D. Rodriguez: No

Chairwoman P. Fejeran: Thank you Mr. Rodriguez.

Commissioner A. Santos: ****inaudible****

V. NEW BUSINESS

- AGRICULTURAL AND RESIDENTIAL LEASING SOP

Chairwoman P. Fejeran: He's the last one. Next under new business, agricultural and residential leasing purposed standard operating procedures. I think it was back in the May meeting, you know, looking at all the land for the landless properties we had available for leasing. The Commission decided that, you know, before we can go ahead and issue new leases on properties, we'd like to see a standard operating procedures from the department... confirm the department's understanding of our rules and regs, so we don't get into the same situation that we have in the pass. In October I want to say the Director emailed all of us a copy of the standard operating procedures. I had a chance to review it and I would just like to provide my very...I mean the SOP was that was provided was not actually a SOP it was a 66-page slide. It was more documenting, I just want to put on the record that, what we're looking for, what am I looking for is not so much the slide show, but real SOP's that can be utilized. On one hand we should have something like consumer guides and I have had a chance to sit down with the staff and talk about it but it would be consumer guides that break down what our applicant's or potential applicant can expect, what our lease holders can expect or what can expect on how they interact with the Trust. I call them consumer guides, that are something our beneficiaries pick up if ever they have a question and they would have all the answers contained in this document. So, the first consumer guide would be strictly based on applying for the Trust and requirement. In that they would be getting information on who they need to talk to once it all gets submitted, what they can expect. The next consumer guide would be approved applicants that get on our waiting list. What requirements are needed of them. What beneficiary designation they can make. What happens if the applicant that is on the waiting list passes away? What their family members are required to do and basically what they can expect on the ****inaudible****. The next consumer guide, the lease issuance process, and requirements from the applicants and then you would have a consumer guide for lease holders, what they have to do going through the building a home process, going for loans, commission approval that are required, paying their property taxes, all in one consumer guide would help guide them, we have the same consumer guides for our agricultural lessees and finally, a consumer guides on when a lessee has passed away or if they want to transfer their lease. In my discussion with the staff, it seemed as if those were pretty distinct categories that would be helpful for our beneficiaries to understand the process, in a very real way and so to lay out the trend, everybody in the department has helped with the standard operating process, right and the operating problem. So, those are strictly, strictly developed, strictly in the eye of the applicant under the regs. On the flip side each consumer guides should have a guide for the department to, I guess to lay the details specific to each process, as of this ****inaudible**** alright, so, for consumer guides upon Land Trust and eligibility requirements, would have a guide to each the application process, documents that the land agents for servicing them. What they require from the applicant and what they do with those documents, how they file it, where they would record it, and then the process for getting those applications approved and then ****inaudible**** like I said there should be a desk guide with a standard operating procedure that match up with the consumer guide that are being prepared and I believe that 90% of the information that would go in each consumer guide and desk guide are already here, you guys already got everything out, now it's just filtering it and moving it into its specific consumer guide and desk guide and publishing it where I'm hoping that it makes sense for our consumer with our applicants, beneficiaries, or our lessees. In a

way that document how, the department operates where peoples ****inaudible****. I'm hopeful that we can start seeing the developments of these kinds of consumer guides and desk guides, pretty quickly. I mean if we can get through the first two consumer guides and the first two desk guides that we can develop the formatting and make sure all the information is there and then we can move on to the kind of much harder ones which is the lease issuance process and the requirements there. I will give you guys a heads up that what's in here from the lease issuance process, based on the ways that things were done in more recent years which is based on an individual case by case applicant basis. What I would like to see is the department moving more towards the cohort through the leasing process rather than one land agent for one applicant we're going to have maybe two or three land agents servicing fifty applicants at the same time. I see that more efficient on limited resources. I'd like us to use the idea of the land for the landless properties as the really the case study, I guess. You know we got all these properties ready to lease, how are we going to move everybody through at the same time. I'm open to feedback and you know really as you guys sit down and drop these, please feel free to email, send us draft so we can provide further feedback but I think by breaking it off by these specific processes, processes that have a very obvious beginning and an end. I think it will be very helpful, not only for the staff but also for everybody on our waiting list or for people who are interested in applying. I'd like to see the draft of the first two consumer guides and desk guides by the next meeting. The next regularly scheduled.

**- COMMERCIAL LEASING
DPW RIGHT OF ENTRY**

Next under new business, commercial leasing. First item is the Department of Public Works, request for right of entry to lot 5173-1-RNEW6 and R6. So, we have our...I think the request is in our packet. The Director of Public Works, Mr. Vincent Arriola. Can you pull this up on the computer just because the photocopy is really difficult to see what parts of the copy.

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Legal Counsel N. Toft: ****inaudible****

Program Coordinator III J. Cruz, Jr.: I think it's the same area that was used for the Green Waste ****inaudible**** previously used by the green waste holding place.

Chairwoman P. Fejeran: What's the area of property their asking to use?

Program Coordinator III J. Cruz, Jr.: When Director Hattig met with ****inaudible**** I believe it was two acres they are requesting.

Chairwoman P. Fejeran: ****inaudible****

Legal Counsel N. Toft: ****inaudible****

Chairwoman P. Fejeran: What's their alternative? Do they have an alternative?

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Chairwoman P. Fejeran: You know, I believe that this would serve a greater good, right...if the road needs to be fixed. They need space for construction, but I don't see anywhere in here where they agreed to any in-kind services, you know we can't...we have to ensure that we have properties outside of the purpose. Which is residential or agricultural that we get something in return.

Commissioner A. Bordallo: ****inaudible****

Program Coordinator III J. Cruz, Jr.: The very least provide to clear our easement.

Chairwoman P. Fejeran: Yeah.

Program Coordinator III J. Cruz, Jr.: Not monetary, like ****inaudible****

Chairwoman P. Fejeran: I think in-kind would be...

Legal Counsel N. Toft: Value of the property

Chairwoman P. Fejeran: Yeah, I agree.

Program Coordinator III J. Cruz, Jr.: Currently we are not using

Chairwoman P. Fejeran: Exactly.

Commissioner A. Bordallo: ****inaudible****

Legal Counsel N. Toft: Yeah, it wouldn't be a breach because we are not a part of the contract.
Program Coordinator III J. Cruz, Jr.: The in-kind services as far as clearing easements would be good.

Chairwoman P. Fejeran: Yeah. I say we...

Legal Counsel N. Toft: Explore that route.

Chairwoman P. Fejeran: I'm sorry?

Legal Counsel N. Toft: Explore that route.

Chairwoman P. Fejeran: Yeah, absolutely.

Program Coordinator III J. Cruz, Jr.: I'll mention that to Mr. Hattig.

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Chairwoman P. Fejeran: Ok, yeah...it would really be what the Commission would require in-kind services for the duration of the contract, and we got to have some kind of document, maybe a MOU. Right?

Commissioner A. Bordallo: ****inaudible****

Chairwoman P. Fejeran: We need to know the details about, ok, they are going to give some in-kind services. Maybe once a month, at the Trust's choosing they will go out and clear the easement, etc. Right?

Program Coordinator III J. Cruz, Jr.: We can identify other properties.

Legal Counsel N. Toft: That's what I would do...

Chairwoman P. Fejeran: We will tell them exactly where to clear.

Commissioner A. Bordallo: ****inaudible****

Program Coordinator III J. Cruz, Jr.: The duration of the property until its completed, I don't know the process maybe seven months.

Legal Counsel N. Toft: That's why you have a listing.

Chairwoman P. Fejeran: Yeah, ok. I really think that's a good idea, can't get something for nothing.

Legal Counsel N. Toft: Unless the Legislature grants it.

GUAM ROCKS, INC.

Chairwoman P. Fejeran: Thank you. Next commercial leasing, I'm not sure why Guam Rocks...

Legal Counsel N. Toft: It's probably just an update. So...this was a case that was following, one of the properties in the Yigo area. Back in 2009, this lot was part of discussions for commercial leasing, prior to the commercial (rules and regs) passed. There's a company named Guam Rocks that came before the Commission and got the Commission to accept their applications for a potential lease. The lease was never completed, Governor never signed up on it, and there was a lot of controversy over the potential leasing requirement. The Legislature ****inaudible**** so, there was an oversight hearing at the Legislature and the chairperson at the time... It never moved forward, there was an appeal that was filed with the public auditor from...do you remember Guam Rocks. There were two or three related companies that are involved in this. That case never really went anywhere, there was an attempt to disqualify from the case. GEDA was saying, our end... it was appealed in the Superior Court, the disqualification appeal. It has not been heard at the Superior Court. Earlier this year Guam Rocks came and request for the common issue of status in this civil case. The Attorney General's office is handling the case. Apparently, the discovery is stating this Friday there is a disposition. I'm partially involved in the case.

Chairwoman P. Fejeran: I see.

Legal Counsel N. Toft: But really nothing to report, but I can answer any questions.

Chairwoman P. Fejeran: Okay.

Commissioner A. Bordallo: Where's this at?

Legal Counsel N. Toft: That's near the...

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Legal Counsel N. Toft: That's near the raceway right there, the northern...

Program Coordinator III J. Cruz, Jr.: It separates ****inaudible****

Legal Counsel N. Toft: Not quite Mount Santa Rosa.

Program Coordinator III J. Cruz, Jr.: Where Smithbridge is at.

Legal Counsel N. Toft: Right behind.

Commissioner A. Bordallo: I see.

GUAM RACEWAY

Chairwoman P. Fejeran: Yeah, thanks for the update. Okay, next item on the agenda, Guam Racing Federation.

Program Coordinator III J. Cruz, Jr.: Mr. Simpson representing the Guam Raceway.

Chairwoman P. Fejeran: Also joining us, my last recollection of this actually was in the June 6, or the July 18, meeting. We determined to provide Guam Racing Federation a six month right of entry into the property because we have not finalized the lease and I think it's just left. At that time, we were going to the Legislature to get a new bill because the bill that we were operating under kind of basically expired the time finally expired and no decision was made so we have to start all over. Is that right?

Legal Counsel N. Toft: Yeah.

Chairwoman P. Fejeran: Ok. Hi Mr. Simpson.

Mr. Henry Simpson: Hi, how are you?

Chairwoman P. Fejeran: I am good.

Mr. H. Simpson: The last meeting basically Mr. Toft said he couldn't approve that he recommends a go cart lease because there were two complexes to resolve. In the meantime, we worked together with him and the office to wrap those complex, the two complex were the amount of rent and it was determined by law we were supposed to follow commercial leasing, but they would have been way to ****inaudible**** for us, we would never have been able to do it, to pay those kind of rent, so, we sent the schedule with what we have been paying for the past years and we've put that into the rent. Previous statements we proposed is that we would pay ten percent of our gross incomes to CHamoru Land Trust four thousand dollars a month or ten percent of our gross income and that has been verified by an audit, yearly audit. That is what we pay for. The second thing was that the sale of excess graded material as we cleared the property to build the track, is excess graded materials and that we would be able to sell those to the contractors who were working with us and how to give it back to you guys at half cost. That covers a lot of those numbers are our operating costs. So, one of the things we may need, needed is supply able operations, the way we have been operating the last couple of years. We work with the office on the language and we have the language figured out. What we're asking the Board to do is to approve as to permit content lease and we want to take it to the Legislature because it needs to be approved by the Legislature but the Legislature doesn't want to have the CHamoru Land Trust Commission not be in favor of this so, we're asking your approval as to the terms and conditions on this lease. Then, we're going to take it to Senator San Agustin ****inaudible****

Chairwoman P. Fejeran: Thank you for that explanation. I guess just a couple of questions. How much property are we talking about?

Mr. H. Simpson: It's about a million square meters.

Program Coordinator III J. Cruz, Jr.: Two hundred fifty acres, I believe.

Chairwoman P. Fejeran: Two hundred fifty acres?

Mr. H. Simpson: Yes.

Chairwoman P. Fejeran: That's quite a lot, and what actual event are you holding? Are you paying us participation rent? Is that what it's called? Admission...

Program Coordinator III J. Cruz, Jr.: Commission fee.

Chairwoman P. Fejeran: Commission fee for every event you hold down there, you owe us two dollars for every sold or what have you?

Mr. H. Simpson: No, that got changed to ten percent of the total...yeah.

Chairwoman P. Fejeran: Wait, what do you mean that got changed? You're saying the *inaudible*

Legal Counsel N. Toft: The last lease did... so, the first lease *inaudible* the most recent lease had the ten percent clause.

Program Coordinator III J. Cruz, Jr.: It was changed by *inaudible* initially it was two dollars per individual and another amendment changed ten percent to the total revenue generated admission fee.

Chairwoman P. Fejeran: Total revenue from admission fee.

Program Coordinator III J. Cruz, Jr.: Yeah

Chairwoman P. Fejeran: Okay, is Guam Raceway Federation based on the month to month leasing the current lease that they have, are they up to date on payments?

Program Coordinator III J. Cruz, Jr.: Yes, they made advanced payments on the previous one, so, up to November the month to month up to six months, it had expired.

Chairwoman P. Fejeran: Okay, and have they made any payments for this ten percent revenue.

Program Coordinator III J. Cruz, Jr.: *inaudible*

Chairwoman P. Fejeran: Okay, I believe that has been an ongoing issue the Commission has had.

Mr. H. Simpson: **inaudible**

Chairwoman P. Fejeran: And I believe you have a very frank interpretation of that ten percent **inaudible**

Mr. H. Simpson: Yeah.

Chairwoman P. Fejeran: I think we've explained to you that it's any event that you have there, the Commission should be receiving ten percent of the revenue.

Mr. H. Simpson: On any event that we hold? Or, we have one big basic event every year, Smokin' Wheels and we pay ten percent of whatever we get off of that.

Chairwoman P. Fejeran: Okay...

Mr. H. Simpson: And so, we've. The other ones if we rented out to somebody, we can't control their ten percent. We give you ten percent of what they give us.

Chairwoman P. Fejeran: You're giving us ten percent of the revenue...the rental fee from them...and is that what has been happening? Been paying...

Program Coordinator III J. Cruz, Jr.: We can go back to payments were made but if there were any events that...

Mr. H. Simpson: We have not.

Chairwoman P. Fejeran: You just had one.

Mr. H. Simpson: Yeah. The October, we leased out from the Halloween thing, so they paid us two thousand five hundred dollars so, we got basically six months to report it. We don't give it to you right when we get it. There's a reporting time.

Program Coordinator III J. Cruz, Jr.: There may be other ways to track your sub lessees from that event, I mean they file GRT's, **inaudible** condition.

Mr. H. Simpson: What we hoped to do is the new way, this **inaudible** complicated. It would take a lot time and effort to try so, what we're trying to do is give you four thousand dollars a month or ten percent of our gross income and so, that can be verified by a yearly audit and we track that by our cost reports and anytime we go over or whenever it goes over four thousand, give you ten percent of that and have verified by your audit. That's what we hoped **inaudible** collect from a sub lessee. We don't know, we don't somebody out there **inaudible** those kind of things so. The new lease would make it a lot easier **inaudible** all that.

Chairwoman P. Fejeran: I think we have to see. You said every six months you determine what the total amount of revenue from sub leasing is. Is that what you're saying?

Mr. H. Simpson: We don't have very many. It may look like we've had a lot out there but mainly they are participants for certain events. So, the guys that are drag racing pay five dollars, some nights we have a dollar ****inaudible**** we make it affordable for the local guys and safe on the streets and it's easier for them. We keep it very inexpensive for them to participate. So, when you see a lot people out there, you're seeing a participator income and very rarely are we generating an audience to watch that. That's what we...the whole idea behind it was when we get the big grand prix, that's our target in the future. It's that big influx of where everybody shares an income. That was the idea.

Chairwoman P. Fejeran: I would like to what the plans are for the property. If you could provide us with documentation. You mentioned that if, you said two things. The rent that is required by the special rules and regs, ****inaudible**** the size of the property. Then, because the size of your property, and that requirement you will be unable to afford to pay it. I would be required to ****inaudible**** on why you need all of this property and have a smaller property for keeping racers off of our public highways. Can you submit this for all of us?

Mr. H. Simpson: This is also a copy of the environmental ****inaudible****

Chairwoman P. Fejeran: I think I've expressed before that I truly appreciate the, I want to say it's almost a public service that the raceway provides our ****inaudible**** especially the drag racers.

Mr. H. Simpson: We were a creation of the Legislature. The Legislature actually came to us as a club and said, can you guys build a track. You know, if we gave you some property, can you build a track for us. That's how, you know, we were a club, we were together for thirty years out of the Calvo property in Santa Rita but that property, I mean, these are ****inaudible**** forty years we did the Smokin' Wheels race but the idea was that the Calvo property in Santa Rita, we could only do motorcycle racing on the dirt track off of those kinds of things. The guys at Harmon field, the drag racers, which was big part of the community here, didn't have a place to go. That was forty years and a hundred ****inaudible**** ago.

Chairwoman P. Fejeran: I'm sorry, Mr. Simpson, thank you for giving, if we could, oh we have. So, this is your ****inaudible**** now.

Mr. H. Simpson: Yeah.

Chairwoman P. Fejeran: Okay, and this is your...

Mr. H. Simpson: That's what we were going ****inaudible**** the main thing is the Guam Grand Prix. We started out to build a formula one Grand Prix but as we got into it the guy that we hired, a consultant came in from Australia, he said he'll bring ****inaudible**** if you're going to go formula one, first he goes, how many hotel rooms do you have? I said at that time, this is twenty years ago, twenty-five years ago, we got about six thousand rooms, we got about eight thousand rooms now but he said, six thousand rooms should cover the teams, that would leave any other rooms for any other spectators. He said you're better off doing a formula three. A formula three is what they, there's one in ****inaudible**** it's like the bush league for baseball. The amateur, not the amateur league, but it's the same. Everybody that's won the formula one Grand Prix, has been a champion in the formula three race. That's where you start at. The, Michael Shoemaker, all those guys have won in the formula three Grand Prix in Manila. Several of our politicians here have been to Manila, looked at how successful it is, and asked if we could do something like this. We looked at Tumon, and if we get a race through Tumon, we cut off all the hotels. We are just making trouble ****inaudible**** driving too fast. So, our recommendation was we needed a place where we could do something like this where we combine everything. Plus, more people could use it on a more regular basis but if...is the city streets, you don't get to use it. You only use it once a year, so. The formula Grand Prix course is our biggest effort here. The first thing we did was a drag race strip so, we did our on-post track from Smokin' Wheels and replaced what we had in Santa Rita, and that's...

Chairwoman P. Fejeran: So, sorry just walk us through, so, I think 5A then 5B?

Mr. H. Simpson: If you go to this one.

Chairwoman P. Fejeran: What are the phases? This is undeveloped.

Mr. H. Simpson: Phases are basically what we're working at first. So...

Chairwoman P. Fejeran: Sorry, I have another question. Are you currently doing earth work activity? Extraction or anything?

Mr. H. Simpson: Not extracting but we're working the ground. We have a building permit. Took us four and half years to get. We just got it. So, we're clearing the ground and we're doing a survey so we would be able to tell what it is before we start, and we're not doing...Smithbridge, okay, we hired them, contacted them to do, what they're going to do is level this portion over by the front row to put a gas station. We could have a place...

Chairwoman P. Fejeran: Are you doing that now?

Mr. H. Simpson: They're not moving any dirt right now but they're clearing the ****inaudible****

Chairwoman P. Fejeran: Okay, you're not moving on anything until we've got an approved lease.

Mr. H. Simpson: Yeah.

Chairwoman P. Fejeran: So, you're not...

Mr. H. Simpson: We're not doing anything we're not hauling anything out, we're just clearing it.

Chairwoman P. Fejeran: Okay, and you're not building until...

Mr. H. Simpson: Until this whole thing...

Chairwoman P. Fejeran: Thank you I just wanted to make sure. I mean, it looks like it would be a very world class facility.

Mr. H. Simpson: What is a world class facility?

Chairwoman P. Fejeran: It would definitely add to the island economy. I appreciate you providing these to us along with your purposed lease to it, and I think this something that the commission can take into consideration. I don't think we are in any position to make a decision, one way or the other. You must understand, two hundred and fifty acres is a lot of property. Especially fronting an access road where there's utilities available. I'm sure you're aware that we have thousands of applicants that are waiting for property on one acre. I don't know we could fit what, four people? So, two hundred fifty acres, six times four people that's a thousand people we can fit on here. Maybe less, considering the terrain. Then to have us a four thousand dollar a month lease, I don't think anywhere in the world you could rent two hundred fifty acres for four thousand dollars a month. Especially considering what we're giving up. I'm just sharing with you my thoughts. I'm wondering if we could meet somewhere in middle because I do see your activities is good for Guam but putting people on properties is also good for Guam. How can we?

Legal Counsel N. Toft: Part of the lease is kind of built to have income to the Trust from the raceway so, ****inaudible**** as it grows there will be additional businesses, is that sub lease from the raceway ****inaudible**** if it does get to a formula one raceway stage, that ten percent goes or probably exceeds a whole amount. So, if it's not the ****inaudible**** four thousand a month in this amount of acreage, it's design to be flexible so that it grows with the raceway. It allows, because at the start, it's going to be a lot ****inaudible**** that flexibility ****inaudible**** and that's why the previous version of the lease said ****inaudible**** put out by the Legislature to have a nonstarter form. The amount in that ****inaudible****

Chairwoman P. Fejeran: So, at this point I appreciate you putting that out. I do see how it's ****inaudible**** with that in mind, I'm sure you got some projections of what, you know the lease, and sub leases would be, what the revenue generated from that is, how much minerals would be extracted and have been sold. If you could provide both productions to show us that this is a valid field. I think that would go a long with the Commission.

Mr. H. Simpson: Okay, we can do that. We'd also like to mention, go ahead and give this to Senator San Agustin to get started on the process.

Chairwoman P. Fejeran: What you do, I feel is your prerogative, if you're asking for Commission's blessing, I don't think we're there yet. Right? Is that what you're asking?

Mr. H. Simpson: I'm, yeah, I'm asking for your blessing on this lease. Worked on this for a long time. This is basically what we've done for twenty-five years. As well as in tears. You know, nobody's making any money on there.

Chairwoman P. Fejeran: I feel you man, that's what I'm doing here.

Mr. H. Simpson: You're a volunteer.

Chairwoman P. Fejeran: That's what they're doing here. Nobody is making any money up here.

Mr. H. Simpson: So...

Chairwoman P. Fejeran: Fifty dollars a month to sit here. Weed through all of this so I hear you Mr. Simpson and I know you guys have put so much work into this, you got a vision for it, but I know if you can convince us, the Legislature would be convinced so, continue to convince us. Get those projections, tell us how much minerals would be extracted, money would be made, what your phases for development are, as I am sitting here, four thousand dollars for two hundred fifty acres is tough to swallow and as you pointed out the original lease was not a making of the Commission, it was legislation. Right? So...

Mr. H. Simpson: No, it was made by the CHamoru Land Trust. I was thinking an automatic renewal because what happens was, I got a twenty-one-year license. Randy Cunliffe was the attorney for the CHamoru Land Trust, Joe Borja was the head of CHamoru Land Trust. We sat down, they wanted to give us a fifty-year lease so we can move forward but we didn't have a way to do that. So, basically, they said do the twenty-one years and in that twenty-year period I'm sure there going to have rules and regulations put together where you can renew your lease then you'll get your long-term lease. Unfortunately, that didn't happen so, now we are at our end of the period here and we're looking at, you know, not being able to renew the lease and not be able to build the racetrack. As I said before, I'm trying to turn this over to some younger guys, I've got some guys that are coming up they're afraid to step into my position right now because with it comes the responsibility for the rent, insurance and all the other things that go along with it and so, if we can't make this even make this economical viable, I'm all for saying you guys take it and let the government make it part of Parks and Recreational. Do something with it, but it's a good thing. Don't kill it just because we can't get enough money out of it, you know. That is one thing to consider too.

Chairwoman P. Fejeran: Yeah. I appreciate that, that's never actually...never thought about that before. It does serve the public good and you know, it is on Land Trust land, rather than...

Mr. H. Simpson: We got it set up where we charge the guys ten, fifteen dollars to race, we take care of the track, we get a million dollars' worth of insurance, take care of it, clean it, cut the grass, clean all the buildings and stuff. If the government wants to do that and build some houses out there, it's really not up to me. I would like to see this continue on like this because this wasn't the plan I thought.

Chairwoman P. Fejeran: Okay.

Mr. H. Simpson: But if it doesn't fit in your plans, there are some other way you want to do it. At least look at keeping the venue open. There really is no place for people to go.

Chairwoman P. Fejeran: Even just now as it is providing a great resource like maybe this is something we could look into. You mentioned turning it over the government for running or perhaps keeping the development as it is, reducing your footprint. Is that what I hear?

Mr. H. Simpson: No, not really. I don't think you can do that. I don't think you could put houses out there and not have noise complaints or dust complaints. It's very conflicting kind of use. Yeah. Everywhere that they built racetracks in the states, it's, when houses racetracks close down. This is located across where the military is going to have their training, the solar farm is going to be on the south of it. There's some housing to the north of it but the wind blows the noise away from it. I don't think you can mix housing in there, but I don't know.

Chairwoman P. Fejeran: Okay.

Mr. H. Simpson: The only reason we got this is was Spanish Crown lands it was Spanish Crown lands because it was such a rough and rugged piece of property that nobody wanted. None of the patron of the king asked for that piece property because it was such a terrible piece of property. What was good about that was all that rock, it was hard rock and now its semi valuable here, people are willing to shape it into a track before that nobody wanted it. Nobody was there that's why we were looking at getting the use of it. Jeff you want to come up and tell her something? Jeff is one of the guys that I'm hoping would take over the track.

Mr. Jeff Rios: I don't know if I want all this headache this twenty year of my life. We got a really good thing going on out there for the kids you know on the motor cross side. Of course, the drag racing thing, we're like Henry, I hate to hear him giving up on something he has worked so hard and giving it to the government to run. Well I think the government could do it with the right resources and the right people, we all got the right people and I think they can do but just think what we started and compare what's important. I think you're going to ****inaudible**** right, I mean. I mean the department is not prioritizing, they all have their own priorities, but the hospital needs money too. The money is going to the hospital but the kids need money for school, the kids who at school are going to get that money versus the kids who race at the motor cross track who's going to need money to cut the grass there. So, I can see those priority change if being in the hands of the government, ****inaudible**** we don't want to see anything happen to it and we want to keep it looking nice and not look abandoned and that is just really out of our own pocket and our love for the sport. You know it's tough, we're, what we're doing and what Henry's doing and yet I'm always taking a step forward with this and then taking a couple of steps back. I'm scared of the kind of things that could happen to; I don't want to see it go away. The drag racers especially, I think we all grew up with that. We all have...I know there's somebody in the family that could share stories of the drag racing incident that they don't want to share but you know it's tough and we want to keep the track open for those because ****inaudible**** and somebody will die. So, we got to keep that track open. I think it's safe to say that accidents happen on that drag strip and some guy walk away, they get out.

Chairwoman P. Fejeran: And it's ****inaudible****

Mr. J. Rios: That's right and there are no guard rails and when a guard rail gets hit, we even ask what the contractor ****inaudible**** because once you hit them you got to replace them because they become a hazard. ****inaudible**** that's just us doing all that work out there. You know with a few volunteer companies that are also in the drag racing. They come out and if they have equipment they work. It's not us asking for help and they don't want to see anyone get hurt or see the park closed down. We appreciate it and of course, you know, it's a lot to ask for and stuff. I really think there's something to come out of this and formula three, those races bring money. They're huge and that be nice on top of having something else come to Guam. It will be great. I'm always planning to go to the races, just to be a part of that experience is fifty thousand people show up to a race and that's awesome, yeah. I think that's all, thank you.

Chairwoman P. Fejeran: Thank you. Sorry can I have your last name

Mr. J. Rios: Sure. Rios.

Chairwoman P. Fejeran: Oh yeah, Mr. Rios. So,

Mr. H. Simpson: I have something I want to leave you. This is the approved game plan that's going on right now. ****inaudible**** one is for grading and one is for filling. This one's for filling, this one's for grating. So, both of these are ready to go right now. We haven't got income from the grading one yet because they're clearing but they could get ****inaudible**** we would like to continue on with this and...

Chairwoman P. Fejeran: So, the...not mineral extraction ****inaudible****

Mr. H. Simpson: Yeah, it's not mineral extraction. Mineral extraction is not what we're doing. Grading.

Chairwoman P. Fejeran: Grading.

Mr. H. Simpson: Yeah.

Chairwoman P. Fejeran: But what was graded it's still valuable and...

Mr. H. Simpson: Yes.

Chairwoman P. Fejeran: People will buy it?

Mr. H. Simpson: Yeah. Where I learned this was from the airport. The airport had all kinds of excavated material to extend the runway. They sold that and so, I actually went and bought some. Bought truckloads of it the material. So, just material, and that's basically what we're doing.

Chairwoman P. Fejeran: I see. Are you providing fifty percent of that income to the Trust?

Mr. H. Simpson: Yeah. Yes.

Chairwoman P. Fejeran: I think what 2016? when we the Commission voted no more mineral extraction; we were I guess there's a misunderstanding of what mineral extraction is?

Mr. H. Simpson: Yeah, this is not mineral extraction. It's grading, you know.

Chairwoman P. Fejeran: So, we're going to be getting we're looking forward to the results of this...

Mr. H. Simpson: Yes.

Chairwoman P. Fejeran: Fifty percent of that income for the sold mineral

Mr. H. Simpson: Yeah, and I'll be...the quantities are on the building permit...and so we put a cease on the building permit. The graded amount, I'll actually go back to the contract I'll be able to project the income stream.

Program Coordinator III J. Cruz, Jr.: Ninety-nine thousand cubic feet

Mr. H. Simpson: Cubic yards

Program Coordinator III J. Cruz, Jr.: Cubic yards?

Mr. H. Simpson: Yeah.

Program Coordinator III J. Cruz, Jr.: That's the projected?

Mr. H. Simpson: I think, which one it is, that's the small one that's the bill.

Program Coordinator III J. Cruz, Jr.: Over three hundred and seven cubic feet

Mr. H. Simpson: Three hundred and seven

Program Coordinator III J. Cruz, Jr.: Thousand?

Mr. H. Simpson: Yeah this is the bill

Program Coordinator III J. Cruz, Jr.: So, this is the grading?

Mr. H. Simpson: That's the grating, yeah. So, that should get...

Program Coordinator III J. Cruz, Jr.: This is what's going to take place soon?

Mr. H. Simpson: Yeah but the grading, the thing is going on right now because that's the one we were on. We got from the military okay, from two thousand seven to two thousand fourteen, we didn't know what was going to happen to us. We went to CHamoru Land Trust and ask can we what was proposed by our contractors, we said can we, we were going to have roadways, can we dig out underneath the roadways and that was lessor material and they said yes and so that's what we did. So, that's what Hawaiian Rock is back there doing right now.

Program Coordinator III J. Cruz, Jr.: **inaudible** isn't grading and excavating the same?

Mr. H. Simpson: Which one is that because...which one is this?

Program Coordinator III J. Cruz, Jr.: **inaudible**

Mr. H. Simpson: **inaudible** build material, so the grading, what your, what we're leveling out so there's hills and valleys and those sorts of things. Graded and they have to measure the high point and the low point. They take the high point to get a level and so the **inaudible** high point that's the fill material imported no excavated fills. They won't bring anything in we're just taking from one place and putting it into another but...

Program Coordinator III J. Cruz, Jr.: Excavating and grading are the same?

Mr. H. Simpson: Excavating...

Program Coordinator III J. Cruz, Jr.: You said you're only grading. There's no mineral extraction. To grade or to excavate, right? Am I understanding correctly or...?

Chairwoman P. Fejeran: You're...

Mr. H. Simpson: They want us to grade material you said excavate...

Program Coordinator III J. Cruz, Jr.: Because...

Mr. H. Simpson: Excavated and graded material are basically the same. You hit it with a grader or hit with an excavator. We're moving it with a dump truck

Program Coordinator III J. Cruz, Jr.: Okay.

Chairwoman P. Fejeran: What was the, what did we vote on those years ago? When we...

Program Coordinator III J. Cruz, Jr.: ****inaudible**** excavation period.

Chairwoman P. Fejeran: Excavation.

Program Coordinator III J. Cruz, Jr.: Extract

Mr. H. Simpson: Yeah, we're...at that point that was the area in at the area of the drag strip. That was what 2014? Something like that? 2013.

Chairwoman P. Fejeran: I was on the Commission when we voted to...

Program Coordinator III J. Cruz, Jr.: To terminate.

Chairwoman P. Fejeran: To terminate...

Program Coordinator III J. Cruz, Jr.: Cease and desist.

Chairwoman P. Fejeran: Oh yeah, cease and desist all excavation.

Mr. H. Simpson: What we are doing at that time, see at the end of right there. Again, we're not...the military basically owned the track at that time. They had their record saying they wanted that for the firing range. What we have to do to stay there, we still had to pay the rent, we still had to be there and do something. So, I went to Monte Mafnas who was in charge of management at that time. His idea was that we could take an area at the end of the track and make it deep enough to hold hyper related materials. He said if you have a place where you could store storm debris, trees and things like that, then the guys at FEMA, FEMA will pay you to have a place to have stored material. So, we cleared an area at the end of our drag strip for that okay, so, and grading that out, also...

Chairwoman P. Fejeran: That...

Mr. H. Simpson: Look like an excavation.

Chairwoman P. Fejeran: Was that prior to 2016 or more recent time.

Mr. H. Simpson: Prior to 2016.

Chairwoman P. Fejeran: I think the...we're just...I remember the issue was we had no records to know how much material was excavated and sold. That was the big issue and they were familiar with it because we get written up about in our audit. Now the issue is why we said no more excavation because that would come to an audit and say how did you get the money we're supposed to get.

Mr. H. Simpson: Yeah. That's when we did the survey and the ground survey and solidified that. Now this one that Smithbridge is doing, their doing it in this area one topo survey, and so when their done grating it done and if we need it, we'll do another topo survey. We'll measure it plus we'll count the trucks as they go out so, you'll get paid on a public basis as the trucks go out and the final survey at the end to double check. That the right amount has been there.

Chairwoman P. Fejeran: Is that documented to the Trust?

Mr. H. Simpson: Was what documented?

Chairwoman P. Fejeran: That you'll, that these activities will commence?

Mr. H. Simpson: Yes.

Chairwoman P. Fejeran: ****inaudible****

Mr. H. Simpson: I'm sorry?

Chairwoman P. Fejeran: We have an existing ****inaudible**** this is not an approved...these current activities that you've been permitted for.

Mr. H. Simpson: We've been permitted because it took us four and half years to get that permit okay, as soon as the regular decision was drawn and made, we decided to go to Northwest Field. We applied for our ****inaudible**** permit. That's when we found out that the fandang is now an endangered tree that they the Marianas Butterfly lives. Some of the places there, we got. If you look on there, we have six or seven other things that we got to worry about and designing this but we work around it got our grading permit four and a half years to get that permit. What's what?

Program Coordinator III J. Cruz, Jr.: There's comments by Land Management when they signed it, they said no graded material. There shouldn't be no usual...on the comment section, on your permit.

Mr. Simpson: On which one?

Program Coordinator III J. Cruz, Jr.: That one is the fill permit.

Chairwoman P. Fejeran: Which one is the fill permit? I only have one

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Chairwoman P. Fejeran: One fourth...

Mr. H. Simpson: The thinner one is the...the bigger one is the grading permit.

Chairwoman P. Fejeran: Oh, sorry I got it. Where do you see the...?

Program Coordinator III J. Cruz, Jr.: On the comment section. Land Management, approval by the agency.

Mr. H. Simpson: Yeah, that's on the fill permit. What they're doing is bringing in material, they took out the ****inaudible**** or the hard rock that was under where we're going to build the new strip and we're bringing back a fill material.

Program Coordinator III J. Cruz, Jr.: Recently they took...

Mr. H. Simpson: Long time.

Program Coordinator III J. Cruz, Jr.: Long time.

Chairwoman P. Fejeran: This one on the back filling, is that the one the permit number is ending eighty-nine?

Mr. H. Simpson: ****inaudible****

Chairwoman P. Fejeran: So, the clearing permit is number one forty-two.

Mr. H. Simpson: I think so the thicker one.

Chairwoman P. Fejeran: The bigger one. The bigger one is clearing and the other one is filling?

Mr. H. Simpson: Yeah. Grading.

Chairwoman P. Fejeran: Clearing and grading. So, one forty-two is a grating permit?

Mr. H. Simpson: Yeah.

Chairwoman P. Fejeran: And eighty-nine is the ****inaudible****

Mr. H. Simpson: Yeah.

Chairwoman P. Fejeran: Yes, it does say here no removal of graded material.

Mr. H. Simpson: That's on the filling one. The grading one doesn't say that. ****inaudible****

Chairwoman P. Fejeran: This is a little backwards. Did they tell you on the back filling permit no removal of graded material?

Mr. H. Simpson: Because they don't, what they're making sure is that they don't ****inaudible**** allowing a grading permit, two different companies. One is allowed to back fill, one is allowed to grade. On the one that's just back filling they put that in there to say no grading, make sure you not taking anything.

Program Coordinator III J. Cruz, Jr.: But the grading can take the grading?

Mr. H. Simpson: Yes. Yes. We hired them because they're going to grade the lot next to ours so...

Chairwoman P. Fejeran: I think what this does is, it ignores the motion that was made back in 2016. No excavation and selling materials.

Mr. H. Simpson: No, we were never prohibited from grading and building what we, you know what this plan says we're to build at lease that's our, the way we left the meeting. They graded

as much as they can, all we can. We came up with the idea while we're waiting to buy, we'll excavate underneath where we are going to build our drag strip and so we did that and so we picked it up so we dug the area cleared the area maybe it's about fourteen acres, that we made a little bit deeper to put the green waste in for storage. You saw what we were trying to do ****inaudible**** they had a plan to level the whole thing. ****inaudible**** end of our drag strip. So, the whole place, like it didn't matter what happened out there because we were going to wipe it out you know. Until we found out what we were going to do, where we were going to go, what was going to happen to us. I was in constant contact with Monte Mafnas and he came up with a lot of these things. He would say can we do this can we do that. So, that's what we did and we kept it going until 2015 and decision to move it to Northwest Field and we started to work on getting these permits. It has taken us all this way from 2015 to now, to get this grading permit.

Chairwoman P. Fejeran: I think I would like to go to see what was decided by the Commission back in 2015. I appreciate that you're trying to be very transparent with us, giving us all this information.

Mr. H. Simpson: I want to show you another thing, a lot work. Just that little picture you're looking at. A hundred thousand worth of people trying to take pictures picking up bugs, plants and all the other things that they did you know. Before that the Navy did the same thing. They sent people there but nobody ****inaudible**** they never captured how people came to the races. Never counted how many cars were at the drag strip. None of that mattered to them, you know, what they wanted there on the property. Now we are going to build a track around to protect these insects. Anyway...

Mr. J. Rios: I'm sorry can I just say something? I'm trying to think what happened back in 2015 you know, there were a lot of questions that came up from the Commission, the agency was trying to figure out those numbers, you know the amount of material that was extracted. That was probably around the time we were trying to figure that out right and trying to make sense of what we were reporting and also like Hawaiian Rock was reporting and how they were being audited as well to keep track on how much material gets processed through their plant because outside materials they got to pay, you know the owners of the property got mad when they processed outside materials so they really, really watch over that material. I think at that time the only thing I can think of that comes to my head is that we didn't mention or it was mentioned you know, just stop what you're doing until we figure out what or how much of this material was taken out and if the payments are to the amount of materials and I think that's you know probably my assumption, okay it's done and now it's time to try and get back to our plan of building this formula three track. I don't know if that meant like you know maybe that was my interpretation as well as...finish what we're doing present our findings and see if the findings all make sense you know. The amount of material that money was received for is or should be the amount that actually was taken out. It even came back with more studies showing more money was paid for less material because they didn't explain how you know rock this big this hard crushed turns into this much material not this much material inside the back of a truck so I mean there are all these things from professionals from...present that because I see that when you break a rock you know and how it looks like this much but it's just this little rock. I see it but I think it's probably what Henry was thinking but I would of assume as well like okay...

Mr. H. Simpson: Now...

Chairwoman P. Fejeran: What we'll do is go back to 2016 we'll go back to when you guys came back and see if that band was lifted.

Mr. J. Rios: Okay, just...

Commissioner A. Bordallo: How about a site inspection?

Mr. J. Rios: Okay.

Mr. H. Simpson: Yes, that is...

Mr. J. Rios: You will see the inconceivable work and let me ****inaudible**** you can see all my brothers and cousins and the child labor with the kids.

Commissioner A. Bordallo: ****inaudible****

Chairwoman P. Fejeran: Wow.

Mr. H. Simpson: That's...

Chairwoman P. Fejeran: They were...

Mr. H. Simpson: What happens is in most cases...

Commissioner A. Bordallo: ****inaudible****

Mr. H. Simpson: If it was just regular cascao or the one that sometime gets mixed with red lime, where you really can't use it. You, then you have to pay that to dig up and take it away. When it's cleaner like the one at the Port, they'll do it for you for free but the one at the track, it's close to them and it's such good coral they would actually pay us for that so, we are very, very lucky to be in that situation. Otherwise we would never make the progress we have made now. We wouldn't have graded as much as we have now because we couldn't afford to pay for the grading.

Mr. J. Rios: ****inaudible****

Mr. H. Simpson: Yeah if we had to pay for that there is no way we would have had a race track

Chairwoman P. Fejeran: I guess, what I would like to see because you have presented this proposed lease which does have better terms for us but if you could provide us more information on projected revenue. Even the projected revenue that you will be gaining from the clearing and grading permit the projected revenue should this be approved

Mr. J. Rios: Gas stations and things...

Chairwoman P. Fejeran: Give us all of that. Give us those projections I'm sure you guys have otherwise you would not be pursuing this. Give us that information and then you know in the meantime we will be looking at what decisions were made and maybe we can regroup at a later date but I have mentioned before the right of entry expires this month so, I want to make sure that you guys can continue to use it I would like to ask the Commission if they would like to extend the right of entry for another six months while we work this out right.

Mr. H. Simpson: I'd like to I like to do month to month so we can take this you know

Legal Counsel N. Toft: At any point we can...

Chairwoman P. Fejeran: But month to month you would have to be coming in every month for us to say yeah okay for you to use it.

Mr. J. Rios: Yeah, I think we just want to wait the six months. I think it's...

Chairwoman P. Fejeran: You can come back and when you're ready you can come back.

Mr. H. Simpson: In December this will be a new year for us to stay in limbo because what happened to us was all the guys that race and stuff think we got a lease because Tom Ada. We went to him he said okay we'll get permission. We'll get you the permission for the fifty-year lease commercial, it's not in the commercial rules and regs. So, he passed a law but our oversight chair, said we could not sell extracted material and we had to pay the commercial lease rent. The commercial lease rent that's where the minimum of ten dollars a square meter a property square meters in dollars, the yearly rent would be over one million dollars a year and that's no way in the world would anybody afford that.

Mr. J. Rios: In layman's terms we talk to some of our racers and some of the guys at the dragstrip. You know you came out and said you know you pay about five dollars and come December four hundred dollars. That's what it's going to cost you to race. You're going to need to raise three hundred and thirty three dollars and thirty cents. Came up with some numbers we just came up with some numbers drag racer I'm some average drag racers. We called the parents and told them man you got to race status will be twelve dollars for you I mean realistically you know we're done. If this doesn't get...we're done.

Chairwoman P. Fejeran: I mean.

Mr. H. Simpson: We had to follow what was laid out for us. You know sing the other option is give it back to the government hopefully that the government would **inaudible**

Chairwoman P. Fejeran: I understand the bill and that's why we didn't give the lease. I think if there's going to be another for the Commission to give it the blessing, we need to know these numbers. We need to see clearly how we basically would give our blessing and ask the Legislature to pass, how it is mutually beneficial to both parties.

Mr. H. Simpson: The last time we were here they pointed out these are the two things where put the same lease in several months ago and they pointed out saying that we could recommend that you approve these two things be commercial lease range excess grading material. We worked on that now we got that solved now we're at the point we would like you to take a leap of faith with us this that this will be good for us in Set up future instead of giving us more things to do because where basically out of time we've been doing this almost two years we've been on month and then we go back on a month to month we don't know what to do or where to go.

Mr. J. Rios: I know there's some potential gas station gas station petroleum companies that really want in on this and there isn't and I'm a little concerned that's what's preventing them from moving down the street or somewhere else and that would be a loss of income for the both of us. Even though it will be a great deal to split gas stations to be there animal service online races and they would service all our racers they'd probably bring "reisfield" in which is very hard for us to get and you know I just need to be beneficial and they're not going to keep waiting for us. We got to do this as part of our plan. It's a part of their projections to have so many gas stations in certain areas I think, that's what I'm worried about gas station We lose that gas station.

Commissioner A. Bordallo: I know there's something about CHamoru Land Trust not leasing to outside **inaudible** yeah but also, CHamoru Land Trust should also think about what we can do for the CHamoru people. What you're doing is beneficial for everyone because CHamoru Land Trust is only for CHamoru people. That's something we can think about.

Mr. J. Rios: Thank you.

Legal Counsel N. Toft: **inaudible** we don't have control over the Legislature. If you want the lease to pass commercial rule which will work for you guys because appraisal, so our hands are tied on that. You have to understand that we are trying to work with you on that this proposed six months extension is not the escape can down the road for everybody.

Mr. J. Rios: Can you reduced that two thousand dollars a month? I'm saying it's a real struggle you know; it doesn't hurt to ask I'm just saying.

Commissioner A. Bordallo: **inaudible** land that the Governor approved for leasing. The leasing of land and the thing is they needed the concurrence of the Legislature. My husband was the one that sued the Governor and he won. The Governor *inaudible*

Chairwoman P. Fejeran: I get the simple fact that...does the Commission want to extend the rite of entry for another six months to get all of this worked out? Of course, if it's sooner than that, then the lease would issue and the rite of entry would be approved but that would mean you guys wouldn't have to come back every month and the Commission wouldn't have to approve the rite of entry.

Mr. H. Simpson: Could I ask you to review this lease and if we came back next month you would tell us if anything you want different because we want to get this into the Legislature, we've been working with the Legislature we have a proposal for the Legislature to pass this but it needs to get to them.

Chairwoman P. Fejeran: I understand, like I said I would like to see numbers.

Mr. J. Rios: Okay.

Chairwoman P. Fejeran: I hope you guys...

Mr. J. Rios: We can do that.

Chairwoman P. Fejeran: **inaudible**

Legal Counsel N. Toft: Then when you get the support of Director Hattig ****inaudible**** review the whole lease.

Chairwoman P. Fejeran: After ****inaudible**** when we review the next ****inaudible****

Mr. H. Simpson: ****inaudible****

Chairwoman P. Fejeran: Yeah.

Commissioner A. Bordallo: A financial statement.

Mr. H. Simpson: Okay.

Chairwoman P. Fejeran: ****inaudible**** then I'll see your future plan. So...

Program Coordinator III J. Cruz, Jr.: So, there's no potential lease on this what is its graded material or...

Mr. H. Simpson: No, we want to sell the graded material we want to hold it with what we're doing.

Commissioner A. Duenas: So, you're going to sell it to them?

Mr. H. Simpson: Yeah, the guys, like I said the guys won't grate it for us if, unless we pay them. The way we pay them is we sell the material. They won't do it for free. In order to level the ground so we can build the track.

Program Coordinator III J. Cruz, Jr.: How would your account for the graded material be used?

Mr. H. Simpson: By doing a topo survey. This... the letter from those guys.

Program Coordinator III J. Cruz, Jr.: Is this in the lease?

Mr. H. Simpson: Yeah, it's in there. This couple ****inaudible**** they've already gone out there surveyed the property, so we know what the ground looks like before they graded.

Program Coordinator III J. Cruz, Jr.: The survey started?

Mr. H. Simpson: They surveyed yeah. With that permit we're clearing the top to see down to the ground. To get down to the ground then you do the survey. Then after the survey is done, then we'll start the grading.

Program Coordinator III J. Cruz, Jr.: Just the ****inaudible****

Mr. H. Simpson: No that's the fill that's Hawaiian Rock. That one is the grading permit.

Program Coordinator III J. Cruz, Jr.: This one says ****inaudible****

Mr. H. Simpson: ****inaudible****

Program Coordinator III J. Cruz, Jr.: Just so we would get a better understanding.

Mr. H. Simpson: Oh sorry, this is the fill, this is the grading. When I say grading, grading has filling so fill the ground. This one is just to fill in the hole. What the drag strip is going to be. This one is the shape the ground ****inaudible**** when you get a permit, the Public Works measures how much from here to here and they charge you for grading it and for filling it. ****inaudible**** that's why we get charged for grating and filling it but the excess material is what gets sold.

Program Coordinator III J. Cruz, Jr.: What does it mean by no ****inaudible****

Mr. H. Simpson: That means that any of the holes that ****inaudible**** we're not bringing in anything else in because on that one we...on the imported fill ****inaudible**** that's a separate permit.

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Mr. H. Simpson: Yeah.

Program Coordinator III J. Cruz, Jr.: You're filling it with limestone?

Mr. H. Simpson: Yeah, we're filling it with limestone but they didn't call out imported fill but we're filling holes but we are not taking from our property, Hawaiian Rock is taking it from their property and filling it back in.

Program Coordinator III J. Cruz, Jr.: I see. When we conducted an inspection last year if I recall there's grating the highway black...what's it called.

Chairwoman P. Fejeran: Asphalt

Program Coordinator III J. Cruz, Jr.: That was being used to fill some areas. It's not necessarily true that limestone was used? Is that what...

Mr. H. Simpson: You can consider that limestone I mean it's made out of limestone asphalt.

Program Coordinator III J. Cruz, Jr.: I'm only asking because when we write up our report what ****inaudible**** this permit, the date of the application was 2016. Is it still valid?

Mr. H. Simpson: Yeah.

Program Coordinator III J. Cruz, Jr.: I think this has an expiration date.

Mr. H. Simpson: They are expiring next month.

Program Coordinator III J. Cruz, Jr.: So, this is why...

Mr. H. Simpson: ****inaudible****

Program Coordinator III J. Cruz, Jr.: 2017

Mr. H. Simpson: Yeah, so, the application we don't have to wait a year. The application is a year from when it's actually ****inaudible**** then you have to get it renewed.

Program Coordinator III J. Cruz, Jr.: This one doesn't need?

Mr. H. Simpson: It will need approval and a year after ****inaudible****

Program Coordinator III J. Cruz, Jr.: The date of application...

Mr. H. Simpson: Not application date.

Program Coordinator III J. Cruz, Jr.: Approval. ****inaudible****

Mr. H. Simpson: Yeah ****inaudible****

Program Coordinator III J. Cruz, Jr.: So, there's no date?

Mr. H. Simpson: With the application, ****inaudible****

Chairwoman P. Fejeran: Oh yeah, June twenty-fourth, the final ****inaudible**** even though they applied that way...

Mr. H. Simpson: It takes a long for these things.

Chairwoman P. Fejeran: Just so I am understanding this, clearing and grading permit, you're excavating one point seven million cubic yards, and you're using three hundred and seven of that to build. So, the excess being sold is one point seven million?

Mr. H. Simpson: Approximately.

Chairwoman P. Fejeran: If you can get us that information that would go a long way.

Mr. H. Simpson: Okay.

Chairwoman P. Fejeran: Also, I'm sure you already have your phases of construction...

Mr. H. Simpson: We don't have no phases of construction because right now we don't have any money. The way we finance in the beginning was, I want to thank your late husband because he really made this go through. The tax credit that we get through GEDA in nine million dollars' worth of tax credits we started using ****inaudible**** but we were closed down in 2007, the record of decision came out and the military wanted that for a firing range so we stopped working. In that time through Senator Ben Pangelinan, took a million dollars away for something else ****inaudible****.

Chairwoman P. Fejeran: If you don't have the construction phase give us what you have.

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Mr. H. Simpson: ****inaudible****

Mr. J. Rios: For off-roading.

Program Coordinator III J. Cruz, Jr.: We're not too sure yet when we'll be available.

Mr. H. Simpson: We'll show you around and make sure you see everything.

Program Coordinator III J. Cruz, Jr.: When we do our site visits, we make sure we get every ****inaudible****.

Mr. H. Simpson: You want to do a surprise visit?

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Mr. J. Rios: That's no problem ****inaudible****

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Mr. H. Simpson: A scheduled visit so we can show you everything. ****inaudible**** a unique thing to build something that is world class basically because it looks so good follow a race track you see the ocean the background it comes back.

Chairwoman P. Fejeran: Like a video game.

Mr. H. Simpson: Like a video game. Really good ****inaudible**** the government gets paid back for its tax credit while it helps in doing this and helping the people who use it now. Having a safe place to go. When the grand prix happens and the influx, that's something it's another major ****inaudible****.

Chairwoman P. Fejeran: I think the priority for now is to ****inaudible**** we're looking at probably from December 1, 2019 to May 30th, 2020 providing the Right-of-Entry. Are there thirty-one days in May? Okay ****inaudible**** I think a motion...

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Chairwoman P. Fejeran: Right-of-Entry.

Commissioner A. Bordallo: ****inaudible****

Mr. H. Simpson: We would really like you to look at it before next meeting so we can take it to the Legislature. Thank you very much.

Commissioner A. Bordallo: I would like to make a motion to...what is...

Mr. H. Simpson: It's the Guam Racing Federation

Commissioner A. Bordallo: Guam Racing Federation Right-of-Entry to their property from December 1, 2019 to May 31, 2020.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: A motion has been made and seconded. Is the extension doable to include a Right-of-Entry? Can we extend a Right-of-Entry?

Legal Counsel N. Toft: Yes.

Chairwoman P. Fejeran: Okay, further discussion?

All Commissioners: No.

Chairwoman P. Fejeran: All in Favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it.

Mr. J. Rios: Thank you.

Chairwoman P. Fejeran: Thank you. We appreciate it. Alright, so that, we're way passed our time. I don't have any public comment, I think that's got to be some kind of world record. No public comments. I would like to, if we could table the remaining items, if there's anything super pressing ****inaudible****.

Commissioner A. Bordallo: Unless you want to continue.

Chairwoman P. Fejeran: Oh continue? Until?

Commissioner A. Bordallo: ****inaudible****

Chairwoman P. Fejeran: I don't know.

Commissioner A. Bordallo: Yes...

Chairwoman P. Fejeran: I also want to put on the agenda that we are scheduling a discussion as soon as possible.

Program Coordinator III J. Cruz, Jr.: ****inaudible****

Commissioner A. Bordallo: ****inaudible****

Chairwoman P. Fejeran: We will continue the agenda at the next meeting?

Commissioner A. Bordallo: Yes.

Program Coordinator III J. Cruz, Jr.: Do we do a continuance for the announcement?

Legal Counsel N. Toft: ****inaudible****

Chairwoman P. Fejeran: Continuance for this meeting on this announcement, so new announcement of an executive session?

Legal Counsel N. Toft: You can combine them.

Chairwoman P. Fejeran: Will you provide us...

Program Coordinator III J. Cruz, Jr.: What will it say? I don't know how that would affect our ****inaudible****

Legal Counsel N. Toft: ****inaudible****

Chairwoman P. Fejeran: That's so we don't have to issue a new agenda?

Legal Counsel N. Toft: Correct

Chairwoman P. Fejeran: The point of it is just carry on?

Commissioner A. Bordallo: **inaudible**

Legal Counsel N. Toft: I don't think we need to **inaudible**.

Program Coordinator III J. Cruz, Jr.: Then we follow the **inaudible**.

Legal Counsel N. Toft: Yeah, something like that.

Chairwoman P. Fejeran: Okay, great, so with that, how do we...

Legal Counsel N. Toft: Move to...

Program Coordinator III J. Cruz, Jr.: Recess?

Legal Counsel N. Toft: Yeah

Commissioner A. Bordallo: I would like to make a motion to recess until such time
inaudible.

Legal Counsel N. Toft: I think we should **inaudible**

Commissioner A. Bordallo: **inaudible**

Chairwoman P. Fejeran: Motion to recess? Motion to recess.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Second by Tan Amanda, all those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Aye's have it, thank you everybody.

DRAFT

