



Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

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COMMISSION MEETING MINUTES

Department of Land Management Conference Room

3rd. Floor, ITC Building, Tamuning

Thursday, October 17, 2019,

1:04 p.m. – 5:18 p.m.

Public Notice: The Guam Daily Post on October 10, 2019 and October 15, 2019

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Arlene P. Bordallo
Commissioner

Joseph I. Cruz
Commissioner

Jack E. Hattig III
Administrative Director

I. CALL TO ORDER

Chairwoman P. Fejeran: I would like to call this CHamoru Land Trust Commission meeting to order. The date is Thursday, October 17, 2019 and the time is 1:04 p.m. Public notice for this meeting was provided in the Guam Daily Post on October 10, and October 15.

II. ROLL CALL

Chairwoman P. Fejeran: I would like to call role. I'm present, my name is Pika Fejeran. I am the Chairperson of this commission. Commissioner Amanda Santos?

Commissioner A. Santos: Here.

Chairwoman P. Fejeran: Commissioner Austin Duenas?

Commissioner A. Duenas: Here.

Chairwoman P. Fejeran: Commissioner Arlene Bordallo?

Commissioner A. Bordallo: Here.

Chairwoman P. Fejeran: Legal Counsel, Nicolas Toft?

Legal Counsel N. Toft: Here.

Chairwoman P. Fejeran: And Administrative Director, Jack Hattig, III?

Administrative Director J. Hattig, III: Here

Chairwoman P. Fejeran: Thank you all for being here. And I would like to a very warm welcome to our commission Ms. Arlene Bordallo Thank you so much.

Commissioner A. Santos: Welcome.

Chairwoman P. Fejeran: For agreeing to serve on this commission and going through the nomination process, going before the Legislature and your confirmation hearing which I know is not very much fun but I truly appreciate and understand my commissioners appreciate your commitment to serve on this commission. Thank you. Okay, so before we get started if we could all rise and incite the Inifresi.

All: Inifresi. Ginen I mas takhelo' gi Hinasso-ku, i mas takhalom gi Kurason-hu, yan i mas figo' na. Nina'sina-hu, Hu ufresen maisa yu'para bai hu Prutehi yan hu Difende, I Hinengge, i Kottura, i Lengguahi, i Aire, i Hanon yan I tano' CHamoru, ni'Irensia-ku Direchu ginen as Yu'as Tata, Este hu Afttma gi hilo' I bipblia yan I bandera-hu, i banderan Guahan! Biba!

Rev. 11/26/2019

(Translation to English [Guam Pledge] From the highest of my thoughts, from the deepest of my heart, and with the utmost of my strength, I offer myself to protect and to defend the beliefs, the culture, the language, the air, the water and the land of the Chamorro, which are our inherent God-given rights. This I will affirm by the holy words and banner, the flag of Guahan!)

Chairwoman P. Fejeran: Biba!

Unknown: Biba.

III. APPROVAL OF MINUTES

Chairwoman P. Fejeran: Okay thank you everybody. Moving on down our agenda approval of minutes. On our agenda we have July 18 2019 meeting and I received a request to table that, so I would like to table that item and I also like to remind the Director we do have our June 6 meeting minutes that I don't think have been approved yet. I know these meeting minutes are sometimes are over a hundred pages long and its... you guys work very diligently to transcribe every word we say so I understand and I know that you have been so busy so not a problem we can table that for next time. As we as I mentioned as soon as they get done go ahead and send it over to us so that the Commission can start reading through it. It's really difficult the week of a meeting to go through two hundred plus pages so.

Administrative Director J. Hattig, III: Yes ma'am.

IV. OLD BUSINESS

Chairwoman P. Fejeran: Thank you. I really appreciate it. Alright so next item on the agenda is old business. Before we get started, I want to make note of the affidavit of disclosure from our Administrative Director. The affidavit of disclosure states the CLTC provides reports that there are no conflicts in the third degree of consanguinity to any of the CLTC applicants schedule to be heard on October 17, 2019 and then there is a list of twelve individuals that are listed and a signature from the Director so that means for those that are seeing hearing this for the first time what this does is tells us that there is nobody on the staff or Commission related within three degrees of consanguinity so these twelve individuals are the twelve individuals that we will be looking at their cases today. So, thank you for putting that together.

1. Agricultural and Residential Leasing

a. Switched and Transferred Lease List (5)

Chairwoman P. Fejeran: So, the agricultural/residential leasing. We have in our packets five individuals. Five applicants that were on a switched and transferred list. I would like to give a brief history. The switched and transferred leases was a list of 102 leases that were determined to be null and void by the former Attorney General last year I believe her opinion came in May 2018 and what she found what her opinion stated was that applicants who changed places in line and later got a lease because of the switching of places in line, those leases were null and void. We pretty quickly came to find out this switching of applications' rights between different applicants had been a common practice, in fact it went back all the way to 1997. That was when the first transfer was approved. The approval however was only done at the administrative level so those approvals did not come up to the Commission for approval and because of that the switching is not included in our rules and regulations. The Attorney General said any leases that arose after the switch are null and void so for over the

last year, we... the staff has really been working hard to determine what each of these very different cases look like and to try and bring it to the Commission for resolution. Let's see once we got this 102 list together and we understood that the switching had been approved at the administrative level since 1997 then I would say the burden of the error lay within the Land Trust, you know. We were...we actually had a process for these application switches that our applicants were fully following and so that the Commission, when all of this came out, said you know we have to find a way to resolve this with the intent of... with the intent of not displacing any of our applicants or lease holders. Okay, because it was our error but we can't do that with a swipe of a pen and so what the Director and staff has done... they've gone through everyone of these cases and they're bringing five before us today so that we can look at the exact chronology of events that led to the switch that led to the lease and then see if there's some way within our current rules and regulations for us to resolve the case. Okay.

Robert Celestial and Yvonne Flores

Chairwoman P. Fejeran: So, the first case before us... Director will you have somebody presenting each case or will that be you?

Administrative Director J. Hattig, III: There are staff reports written by the land agents. The Land Agent will be accompanying to the table. I also will be filling in some of the information and I've truly gone through every report.

Chairwoman P. Fejeran: Okay thank you. So, our first case deals with Robert Namauleg Celestial and Yvonne Borja Flores. Before we begin, I would like to just state for the record that Mr. Celestial is related to my father although distance cousins you know on Guam we're related. So, I want to state for the record he is not within my third degree of consanguinity but just full disclosure. Okay. Thank you and welcome. So, I think you can begin Jhoana.

Land Agent II J. Casem: Good afternoon Commissioners. We have before you Mr. Robert Celestial and also Yvonne Flores both are on the application and lease. Currently Mr. Celestial is occupying on Tract 1021, Block 3, Lot 15-1, Dededo and you do have a map provided on the second page. So, before you, we are requesting first a termination of lease current lease, number two request to be named successor to Ms. Yvonne M.G. Blas, and third a request for lease issuance to under Mr. Robert Celestial and Yvonne Flores. So, based on the research in file and going over you know everything that has been submitted Ms. Yvonne Blas is the original applicant dated December 02, 1995 at 10:15 with application number 139. Her designated benefactors are her grandsons however are unqualified based on Public Law 23-58 under Section point Section 5.8, then we have the takeover applicant.

Chairwoman P. Fejeran: I'm sorry Jhoana. I'm sorry I'm going to stop you there. So, this is two different items we're talking about? Ms. Yvonne Blas was the original applicant from 1995?

Land Agent II J. Casem: Ms. Yvonne M.G. Blas.

Chairwoman P. Fejeran: Okay. And she...

Land Agent II J. Casem: She is the original applicant.

Chairwoman P. Fejeran: She designated a grandson?

Land Agent II J. Casem: She designated two of her grandsons as the benefactors however, based on the...

Chairwoman P. Fejeran: Sorry is this for the lease or application?

Land Agent II J. Casem: Just during our interview process we asked the applicant who would you designate as your beneficiary and based on the file she designated two of her grandchildren, her grandsons. Based on 5.8 that is not applicable because they are not part of the [inaudible] what's under 5.8 as a successor.

Chairwoman P. Fejeran: Okay let me pull that out. I just want to make sure we all following the law here. That is a lot of information. This this is the rules and regulations for residential and agricultural leasing and section 5.8 says that an applicant can designated a relative qualified under the Act to include husband and wife, children, widows or widowers of the brothers and sister, or nieces and nephews to succeed to the applicant's application rights upon the death of the applicant. So according to that rule section 5.8 the designations of the grandsons was...

Land Agent II J. Casem: Deemed unqualified.

Chairwoman Pi. Fejeran: Deemed unqualified. Okay, because the grandchildren are not listed in 5.8.

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

Chairwoman P. Fejeran: Okay.

Land Agent II J. Casem: Moving forward, takeover applicant Mr. Robert Namauleg Celestial. His takeover application date and time is May 1, 2000, I mean 16, 2001 at 3:49 p.m. He had his own application based on research. In August 28, 2008 a request from Robert Celestial and Yvonne M.G. Blas to do a switch of date and time. October 20, 2008 Mr. Robert Celestial requesting to change application type from residential to agricultural. October 21, 2008 Administrative Director Joseph M. Borja approved the switch of date and time between Mr. Celestial and Ms. Blas also approving change of application type, adding of the spouse and change of beneficiary as indicated in the status information sheet. January 13, 2009 utility authorization was issued to Mr. Celestial by the CLTC office. January 26, 2009 Notice of Intent to Award was issued as well as the survey authorization issued for a portion of Lot 10122-R18 for Dededo for no more than two acres. April 27 and 29 of 2009 CLTC conducted a site inspection on the lot assigned to Mr. Celestial within Lot 10122-R18 Dededo and found there was another individual occupying on the property. May 13, 2009 a letter written from Mr. Celestial to the administrative director, Jessie Garcia, indicating the individual occupying on the assigned lot and requesting for a different lot. February 8, 2010 Mr. Celestial paid the ninety-nine dollars for the lease fee payment and November 11, 2011 a lease signing for a portion of Lot 15-1, Block 3, Tract 1021 Dededo and this was recorded under Land Management under 829575. In 2010 no specific date indicated a survey authorization was issued for two acres under a portion of Lot 7150 Yigo. January 4, 2012 a survey contract issued between Mr. Celestial and surveyor Ray Cruz for Lot 15, Block 3, Tract 1021 Dededo for two one-acre properties. July 10, 2013 request for additional acreage was approved by the Administrative Director the late Monty Mafnas. July 20, 2015 an addendum reflecting the completion of the map under issuance number 880689. August 21, 2018 inspection report follow through CLTC indicating the lot is maintained, and there is a concrete structure on the property. April 18, 2019 Mr. Robert Celestial appeared before the CLTC Board of Commissioners during a follow-up on his lease and property. So, based on the findings we you know based on Public Law 23-38 section 5.8 as you stated earlier the benefactor to Ms. Yvonne are deemed unqualified. Also, section 5.8 it is indicated the absence of such a

designation, the Commission may designate, in its absolute discretion, a successor from among the applicants for succession to the application rights of the deceased applicant in the order named in this paragraph. So here we are going back and are requesting for termination of the lease and Mr. Celestial to be named the successor to Ms. Yvonne so that we can forward to do a proper lease issuance under Mr. Celestial and Ms. Flores.

Chairwoman P. Fejeran: Thank you Jhoana. So, Ms. Yvonne Blas has passed away?

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

Chairwoman P. Fejeran: Between the time she transferred to Mr. Celestial to today?

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

Chairwoman P. Fejeran: Okay and because she's passed away, the beneficiary she designated which does not follow in line with section 5.8. It's basically as if she left no beneficiary.

Land Agent II J. Casem: Yes ma'am. We did make attempts to contact based on the numbers provided in Ms. Yvonne's file to those numbers provided however, we were unsuccessful in contacting anybody that was listed in her file.

Chairwoman P. Fejeran: Okay and nobody has come forward to request anything having to do with Ms. Yvonne Blas.

Land Agent II J. Casem: No ma'am.

Chairwoman P. Fejeran: Okay. Thank you. Okay.

Commissioner A. Duenas: Sorry, on the relationship between Mr. Celestial and Ms. Blas is? Excuse me. The relationship with Ms. Blas.

Mr. R. Celestial: She was my cousin.

Commissioner A. Bordallo: Who is Ms. Yvonne Flores?

Mr. R. Celestial: She she's my wife.

Chairwoman P. Fejeran: Okay. So, Mr. Celestial am I right in my statement in the beginning that back when you switched with your cousin Ms. Blas, the request came in 2008... back when that happened there was a pretty well laid out procedure for you to follow.

Mr. R. Celestial: Yes.

Chairwoman P. Fejeran: In order for that transfer of rights to be approved.

Mr. R. Celestial: Yeah. As a matter of fact, Mr. Joe Borja, the other Michael Borja, he instructed us to get this form and have it notarized. So, we went ahead and got it notarized and then we took it back to him and he went and got it approved so that was when we went and followed his instructions and we thought that everything was kosher at that time and here we are today.

Chairwoman P. Fejeran: I can imagine your anxiety, your stress, and your worry especially to find out that you were on that list of null and void. It's been over a year. I think that you came here today so that we can resolve this.

Mr. R. Celestial: Thank you so much. I really appreciate it. I would really like to close this have closure. Something hanging like this is very difficult. It does weigh in on our thoughts every day. We had no clue as to what's going on. I want to thank you for all the work, you especially. You kind of settle our concerns. I say you are working hard not only for me but for rest of all the lessees.

Chairwoman P. Fejeran: Well. Okay. You know I don't know when Ms. Blas passed away but I did see the notarized document. Actually, first you and her wrote a letter together and you both signed it.

Mr. R. Celestial: That's correct.

Chairwoman P. Fejeran: But then in order to make it official you did come in and had this, as you mentioned, this CHamoru Land Trust Commission form signed and notarized so we have to take it that it was Ms. Blas' wish that you take her application and all the rights that went all

with it. It was her intent for you to have properties that you can farm and live on and can you describe your property today?

Mr. R. Celestial: It's a beautiful two acres. We had to run our water three hundred yards from our meter. We put the meter in the front. It's been exciting for the first three years. I built a small shack. My wife and I moved in grandkids. It's a pretty small shack 10 by 10. Lived there for half a year. Built a 10 by 20. We didn't have an outside shower so I used one of my plastic sheds. Just ran a pipe through it, our shower for three years. As we got a permit to self-construct our home and it got approved it took me another three years to self-construct. It's not easy especially when you're on a fixed income and my wife is retired also from the Navy at a hundred percent disability and myself, I am retired Army. So, I want to thank God that he gave us enough strength and energy to live this long so we could accomplish our goal. We have like about 70 ducks. We have a lot of chickens. We grow avocados, lemons, âbas, [inaudible] and almost every family member that comes out to the ranch is really impressed with it because of what we've done to it. They always asked how did you do it. With the grace of God because you know we really appreciate what the CHamoru Land Trust Commission has done for us, giving us a place. I just... we wanted to show our appreciation with what we can do with the property and that's why we did that and I always invite each and every one of you to come see it because we really worked hard on that property and I hope and pray I could only speak for myself. That's... I never really had anything that I... by having this I really wanted to show my appreciation, you know, help the other, you know, the other people who said it can't be done, you know. We struggled. Imagine a small shack out there, just tin and two by four, running a hose. You know I can really say you can do it and as time goes on, we progress and we're blessed. Thank you for this opportunity to share that and I want to thank Mr. Hattig for coming out and seeing the place do he could really understand the hard work my wife and I, my family you know really shared what we can do. So, thank you again.

Chairwoman P. Fejeran: Thank you Mr. Celestial.

Commissioner A. Bordallo: [Inaudible] I would like to allow Mr. Celestial and Yvonne Flores to... for us to approve the lease.

Mr. R. Celestial: Si Yu'us Ma'âse'.

Chairwoman P. Fejeran: Okay. Thank you. I would also like to do that. We just have to make sure we're doing it in the right way because we don't want to put you Mr. Celestial in a position down the line where you again are being questioned how you got your lease right.

Mr. R. Celestial: I understand. I totally understand. I'd like to make a correction also, if it is a correction.

Chairwoman P. Fejeran: Sure.

Mr. R. Celestial: She said Lot 15-1. I have the new map here for the entire two acres. Its Lot 15, Block 3, Tract 1021. I don't know if that is a correction or if you guys had the new.

Commissioner A. Duenas: I'm sorry could you repeat that.

Mr. R. Celestial: Lot 15, Block 3, Tract 1021 because I notice the map up there it's in red, its half. So, it's the whole entire two acres. Oh, you see my house.

Chairwoman P. Fejeran: Thank you for that correction. [Inaudible] So I did see on the lease it has 15-1. I think that is something we are going have to go in and check.

Mr. R. Celestial: I believe there is an addendum.

Chairwoman P. Fejeran: Addendum...from 2015 or a most recent addendum.

Land Agent II J. Casem: Madam Chair based on the recorded map it indicates Lot 15-1 so we based ourselves on the recorded map on the second page.

Chairwoman P. Fejeran: On our packet.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Okay. 15-1 on this recorded map is showing the whole two acres. It's just maybe...

Land Agent II J. Casem: Possibly the master plan because we're still doing updates to it as it is a working copy. So, on the master plan it looks like it's not consolidated yet however, we do go by the recorded map.

Chairwoman P. Fejeran: Okay. Okay. So indeed, the lot is Lot 15-1.

Mr. R. Celestial: Chairman, chairman. This is the recorded map for the whole entire. [Inaudible]

Land Agent II J. Casem: This is just parcel.

Mr. R. Celestial: So, you have the whole entire thing. Okay. Appreciate it. Thank you.

Chairwoman P. Fejeran: Okay. Does the Commission have any questions or are they on the same page?

Commissioner A. Duenas: [Inaudible] First of all thank you that you for taking such good care of this property and all the hard work you have done to it and your patience with the CHamoru Land Trust in trying to correct what had happened. I definitely want to make sure that I stand that you should have this lease because you've done such a good job. I understand you've done everything that you were told to do.

Mr. R. Celestial: Yes.

Commissioner A. Duenas: That was the impression. I just want make sure everything is in order so that you don't have to come back in a year trying to fix this. I want to check with Legal Counsel if the process of terminating the current lease and naming Mr. Celestial as the benefactor to the application and issuance is doable.

Legal Counsel N. Toft: Well I think the based on the AG's opinion there was already a finding of voidance of any of the switches. That's kind of what we dealing with is that I don't think we would necessarily have to find the cancellation of a prior lease. Just by operation of the opinion of the AG all those became null and void. As far as re-issuance, what we run into is a weird situation that we've been kind of kicking back and forth on our end and its this language of 5.8. So just to give kind of a background on it if somebody had a lease and wanted to name someone to succeed those under 5.9 name anyone who qualifies under the rules having CHamoru ancestry. 5.9 there is this really bizarre language that says that is an applicant may designate a relative qualified under the Act to include husband and wife, children, widows or widowers of the brothers and sister, or nieces and nephews to succeed to the applicant's application rights upon the death of the applicant. Now it's not readily apparent whether or not that's exclusive language in that it denies the ability of any other relatives to apply and it creates these really bizarre situations because you see up there like a widower of the brother of the applicant could possibility be a designee but something the brother himself cannot or the person's parents cannot. It just creates these bizarre gaps as far as who can and cannot be a relative qualified under the act. So that's one way of interpreting. There are two ways to interpret this one is that is the absolute list that those are the only potential people that can qualify. The other interpretation is that is kind of an exemplary list where under subsection one it provides kind of an order you go through but is not necessarily exclusive, that it could just be a relative qualified under the Act and that part that says to include cousin, wife, etc. etc just the way of kind of designating the order of hierarchy of who would potentially succeed. The first interpretation the exclusionary one that the Board who not the ability to name a brother, a parent, cousin. In the second one they would have that ability just subject to the list of who would get priority under the subsection. Do you see what I'm saying there? I honestly think I don't think any interpretation really has merit over the other it just the way the Board decides to interpret it I believe at this point because it's very ambiguous language and it's something that we discussed before when we were talking about an attempt to amend the rules. This is something that definitely needs to be address but until the time it is. I think we should make a decision on how we want to deal with it based on our judgement.

Chairwoman P. Fejeran: Okay. This would basically set the precedent.

Legal Counsel N. Toft: For the next, I mean we have... it's not just limited to the 102 cases because they are people who, we do have applicants who have designated their brother or their sister or their parents and that we will run into this issue not just in these transfer switches type things but people who don't know who come in, and there's this sort of bizarre language in the statute that is kind of a little bit backwards, who may not know this until it's too late. So, I think for deciding it now but also making sure in the future when we do get the chance to go over the rules and regs again or provide additional rules and regs we address this. Just to make it extremely clear instead of kind of let's make the policy decide now which way we're going to go and stick with it.

Chairwoman P. Fejeran: Okay. So, the option presented today is to... Well first of all the switching of the two applicants null and void, go back in line.

Legal Counsel N. Toft: Yes.

Chairwoman P. Fejeran: Which leaves Mr. Celestial as a 2001 applicant and Ms. Blas' application 1995. Now that we are both back in line, we have to figure out how do we work within the rules and regs.

Legal Counsel N. Toft: As to designate him as the successor.

Chairwoman P. Fejeran: Either we designate him as the successor, yeah designate him as the successor or now that he is back in line issue a lease to that application. Last year... it was last year when we also found out that all of our leases, not just the null and void, were voidable because they didn't have Commission approval or signature, right? At the time we looked at this huge list and ratified all of them. Ratified the ones for applicants in 1995 and also ratified leases that applicants from 1996 and on up received. So, because of that and knowing this case, would we be able to say okay you're back in line. I guess you have this lease and we would ratify it or we would have to issue a new lease.

Legal Counsel N. Toft: I think we would have to issue a new lease and go with option one because the null and void effective the transfer would also undermine the lease as well.

Chairwoman P. Fejeran: Okay. So that would be a second option. We're leaving this application as is.

Administrative Director J. Hattig, III: I could also... we are running into an issue of leases that were issued that weren't recorded. That is the reason why I am requesting a termination of the lease because we can't have two leases recorded one on top of the other on record. So, I think the cleanest way is [Inaudible]. That's why the recommendation is to issue the termination first then, because that's the one that is in error I guess, then designate him as the beneficiary because he's from... he is the one that is applying to the rights now, and then thirdly, would be to when he... when we can effectuate that as true. We delegated that responsibility to me to take over right, subject to the laws. So, once I sign that today and you could actually also approve the lease, we could work with him to consummate the lease afterwards legally. So initially I requested a reversion, an actual motion to nullify the transfer the switch of date and time because that action we know to be illegal. So that would demonstrate the Commission's willing to correct a wrong, right? After that we terminate the lease, right? I would actually like to have Mr. Celestial fill out an affidavit to that effect knowing that he going... he's understanding that he's going to be issued a lease but he would fill out an affidavit, a sworn statement stating that he agrees with the termination and then right then and there too the designation papers would also be approved by the Commission then the lease would be issued by the Commission in that order. That was my full recommendation subject to Board's..

Chairwoman P. Fejeran: Okay.

Commissioner A. Duenas: Are you okay with us terminating the lease, going through the process, issuing a new lease? Is that something you are okay with?

Mr. R. Celestial: [Inaudible] it's not like terminate the lease today and then next week lease up. Things happen within days, even hours. So, is that okay? Would that be alright to do that? Like terminate the lease and go ahead. Okay. Thank you. [Inaudible] Yes, I agree.

Commissioner A. Bordallo: I will withdraw my...

Chairwoman P. Fejeran: Okay.

Commissioner A. Duenas: Motion to terminate the lease for Mr. Robert Celestial on Tract 10123, Block 3, Lot 15-1 in Dededo.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: And seconded. Further discussion?

Commissioners: None

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye

Chairwoman P. Fejeran: So, the ayes have it. Okay. So that was the formal termination of the lease that was already found to be null and void, right? Okay.

Commissioner A. Duenas: Do we have to make any motion regarding switch date and time?

Chairwoman P. Fejeran: Yeah.

Legal Counsel N. Toft: No because that's covered by the termination.

Unknown: Okay.

Commissioner A. Duenas: So, motion to designate Mr. Robert Celestial as the successor to Ms. Yvonne MG Blas' application number 139.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

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

Commissioners: None.

Chairwoman P. Fejeran: Just for clarification this is...this can be done through our rules and regs section 5.8. The Commission may designate in its absolute discretion, a successor. Okay. Thank you. All those in favor?

Commissioners: Aye

Chairwoman P. Fejeran: The ayes have it.

Commissioner A. Duenas: I'm sorry one more thing Nick. Do we need to terminate his application as well?

Legal Counsel N. Toft: I think that can be done. That would be done administratively now that he has... he is essentially getting the lease.

Commissioner A. Duenas: Okay.

Legal Counsel N. Toft: Based upon the naming of the succession.

Commissioner A. Duenas: Okay. So, we can go ahead motion to provide a lease?

Legal Counsel N. Toft: Correct.

Commissioner A. Duenas: Okay. Motion to provide a lease to Mr. Robert Celestial for Lot 15-1, Tract 1021, Block 3 in Dededo. Sorry I got it backwards but.

Chairwoman P. Fejeran: Motion...

Administrative Director J. Hattig, III: I'm sorry. Can you just maybe restate the motion to provide for an agricultural lease?

Commissioner A. Duenas: Sure.

Administrative Director J. Hattig, III: To clarify.

Commissioner A. Duenas: So, motion to provide an agricultural lease to Mr. Robert Celestial for Tract 1021, Block 3, Lot -15 sorry Lot 15-1 in Dededo.

Chairwoman P. Fejeran: Motion preceded.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded. Further discussion?

Commissioners: No

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye

Chairwoman P. Fejeran: The ayes have it. Okay Mr. Celestial all those motions basically stay where you are. You are going to have a legitimate lease. Thank you for working through us, working through this with us and being so patience and most especially thank you for using the trust the way it is meant to be.

Mr. R. Celestial: You're most welcome. My wife will be so happy to hear that. She's a disable vet and is bed-ridden. So, she will be happy to hear that. Thank you.

Chairwoman P. Fejeran: Congratulations.

Commissioner A. Santos: Thank you.

Natasha Nicole Duenas Cruz

Chairwoman P. Fejeran: Okay. So, the next case on the agenda is for a Natasha Nicole Duenas Cruz.

Land Agent II J. Casem: Before you we have Ms. Natasha Nicole Duenas Cruz. She is coming in as the transferring applicant to original applicant Ms. Julia L. Cruz. Ms. Natasha was actually here prior and she was board approved for the transfer from her aunt Ms. Maria Camacho, Maria EC Camacho. Before you, we are actually requesting for the approval of the designation from Mr. Ted Cruz who was the original benefactor of Ms. Julia Cruz. Requesting that his beneficiary be named as Ms. Maria E.C. Camacho so that was what we didn't do prior to the transfer to Ms. Maria Camacho. The Board did not approve of the change of beneficiary from Ted to Maria however, the Board did approve the transfer of Ms. Maria to Natasha. Yes, and she already has a home loan. She came before the Board requesting for a Guam Housing Loan and that was board approved as well. So, the reason being she was on the list is because of the no Board approval regarding the original benefactor.

Chairwoman P. Fejeran: Transferring to?

Land Agent II J. Casem: Transferring to Ms. Maria.

Chairwoman P. Fejeran: Who then transferred to?

Land Agent II J. Casem: Who then transferred to Natasha?

Chairwoman P. Fejeran: Natasha. Okay. All those approvals happened prior the Attorney General's opinion, right?

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: The loan guarantee and all of that.

Land Agent II J. Casem: Yes. So, the only thing is that there was no board approval coming from Ted to Maria.

Chairwoman P. Fejeran: So, Ms... ladies can you state your names for the record.

Ms. Natasha Cruz: Hi. My name is Natasha Cruz.

Ms. Maria Camacho: and I am Maria Camacho.

Chairwoman P. Fejeran: Okay hello. So, Ms. Julia Cruz she passed away in 2004. Was that your mother?

Ms. M. Camacho: My mother.

Chairwoman P. Fejeran: Your mother.

Ms. N. Cruz: My grandmother.

Chairwoman P. Fejeran: Your mother, your grandmother.

Ms. N. Cruz: Yes.

Ms. M. Camacho: Yes.

Chairwoman P. Fejeran: So, she passed away in 2004 named Ted Cruz your brother...

Ms. N. Cruz: My father.

Chairwoman P. Fejeran: and your father as the beneficiary when he was going to be given the application rights, he said I don't want it give it to my sister, Maria.

Ms. M. Camacho: Well he had a current Land Trust lease already.

Chairwoman P. Fejeran: Okay.

Ms. M. Camacho: And doesn't qualify for it.

Chairwoman P. Fejeran: Okay I see. He had a lease and you didn't have a lease.

Ms. M. Camacho: No.

Chairwoman P. Fejeran: Do you own property?

Ms. M. Camacho: No.

Chairwoman P. Fejeran: You don't own property either.

Ms. N. Cruz: No.

Chairwoman P. Fejeran: No. This was your chance to get property.

Ms. M. Camacho: Yes.

Chairwoman P. Fejeran: Alright then. So Jhoana was the transfer from Ted to Maria approved administratively.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: So, it was approved at the administrative level but didn't come up to the commission level?

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Okay.

Land Agent II J. Casem: There was actually two main benefactors, however it was part of the Administrative Director's decision. There was a written letter indicating that Mr. Ted Cruz is the rightful benefactor so from there, there was just no Board approval to transfer from Ted to Maria. So, we would like to just go ahead and do the termination of the current lease under Ms. Natasha Nicole Duenas Cruz and then do a re-issuance of a lease under her name as well.

Chairwoman P. Fejeran: Why are we terminating the lease?

Land Agent II J. Casem: We it's from the null and voids so we would have to terminate and issuance of a new lease but we can get Legal Counsel opinion on that. If we don't have to terminate then great.

Chairwoman P. Fejeran: I wonder if we can just ratify the designation of the successor from Ted to Maria.

Legal Counsel N. Toft: Yeah because it looks like the 2016 action wasn't a transfer of date and time. It was a transfer of the lease. It was just there was back in 2005 the gap in Board approval instead of administrative approval of the designation of successor. Am I reading that correctly?

Unknown: Yes. That is correct.

Legal Counsel N. Toft: Yeah. It would just be the motion to approve Ted's request to transfer his beneficiary rights to Maria Elenia Cruz Camacho and that I think would...

Chairwoman P. Fejeran: But then I see the lease was issued in 2014 to Ms. Maria and then in 2016 she requested to relinquish the lease to Natasha. So that's within the seven year...

Legal Counsel N. Toft: Right. Right. So, if the...

Land Agent II J. Casem: However, it was board approved.

Chairwoman P. Fejeran: It was board approved at the time. Okay because we do have the part in the law that if it's within the seven years you can come and [inaudible] get permission. [Inaudible] Okay. So, the real issue is the lack of Commission approval for Ted Cruz to relinquish to have Maria succeed as the beneficiary right.

Legal Counsel N. Toft: Yes.

Commissioner A. Duenas: Motion to ratify the designation of beneficiary of Ted R. Cruz to Maria EC Camacho for, my apologies. I'm sorry do we have an application number? Here we go for application number 1352. I'm sorry is it for the application or the lease? My apologies.

Chairwoman P. Fejeran: Application. Right. [Inaudible]

Commissioner A. Duenas: For application number 1352.

Chairwoman P. Fejeran: So, a motion has been made. I'm sorry can I just restate it? Tell me if I'm correct. To ratify the designation of beneficiary from Ted R. Cruz to Maria Elenia Camacho for application number 1352. Motion made.

Commissioner A. Santos: I second it.

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

Commissioners: No.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye

Chairwoman P. Fejeran: Okay the ayes have it. [Inaudible] Okay so now that decision from 2004 has been ratified by the Commission the lease that you hold Ms. Natasha is now valid.

Ms. N. Cruz: Thank you. Thank you so much.

Chairwoman P. Fejeran: Thank you too. I do see that you have loan guarantee from Guam Housing 2017.

Ms. N. Cruz: Yes, that is correct.

Chairwoman P. Fejeran: Have you started building on the property?

Ms. N. Cruz: Yes. We're actually occupying the residence for over a year now. We have a 3 bedroom 2 ½ bathroom home. [Inaudible]

Chairwoman P. Fejeran: Beautiful. Thank you. Thank you so much.

Sandra Flores Chargualaf

Chairwoman P. Fejeran: Next Case on the agenda is Ms. Sandra Flores Chargualaf.

Land Agent II J. Casem: We were unable to contact Ms. Sandra.

Chairwoman P. Fejeran: Okay.

Land Agent II J. Casem: I was unable to contact the numbers. They weren't going through or being answered, however with Ms. Sandra's case, it is the same as Ms. Natasha. Where the original benefactor wanted to transfer their beneficiary rights to [Inaudible]. That one was not Board approved. It was through administrative approval only.

Chairwoman P. Fejeran: Okay and this transfer like the last one we just settled, the original applicant...

Land Agent II J. Casem: is Mr. David Joseph Borja.

Chairwoman P. Fejeran: Okay.

Land Agent II J. Casem: He is also a December 2, 1995 applicant under 124 and the takeover applicant is the Sandra Flores Chargualaf. So, with this it was in July 12, 2017 a letter of relinquishment of CLTC application rights of David Joseph Borja from siblings, Joseph, Christina and John Quichocho to their sister Sandra Chargualaf Flores. With that the Deputy Director approved at the time; however, it wasn't board approved.

Chairwoman P. Fejeran: I see. So, the original applicant Mr. David Joseph Borja what is the relationship?

Land Agent II J. Casem: The father.

Chairwoman P. Fejeran: The father of Sandra.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: And he passed away and all his children came and said.

Land Agent II J. Casem: They wanted to relinquish.

Chairwoman P. Fejeran: They wanted to relinquish to Sandra and that document was a notarized document? And shortly afterwards a residential lease was issued.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Have we done a site visit to the property?

Land Agent II J. Casem: No.

Chairwoman P. Fejeran: Has it improved? I'm just curious.

Land Agent II J. Casem: [Inaudible] it's not being utilized at all. [Inaudible]

Chairwoman P. Fejeran: In 2018 you guys got an inspection. In August 2018 you found it undeveloped. There is water and power available? Okay.

Administrative Director J. Hattig, III: Oh yes. It is still undeveloped.

Engineering Technician II M. Javier: Still undeveloped. That housing you see is the next lot down. Correct. The image on the left is Google Earth.

Administrative Director J. Hattig, III: That's not a good map. It's just...

Chairwoman P. Fejeran: Yes, and it's a pan [Inaudible]. Well all the documentation is in there.

Commissioner A. Duenas: Are we certain there are no other siblings that aren't named? That are going to come out of the woodworks.

Land Agent II J. Casem: I can't say that but they did sign an affidavit. It was a notarized document indicating they are the siblings. So [Inaudible].

Commissioner A. Duenas: Are we in doubt there are no other siblings listed that might claim rights to this?

Land Agent II J. Casem: No one has come forth.

Commissioner A. Duenas: So, something like this we would just be approving Ms. Sandra Flores Chargualaf as the beneficiary of the application correct?

Legal Counsel N. Toft: If there was a... we might also have to do a determination and re-issuance of a lease because if the initial transfer back in 2017 was then was administrative and that was followed by a lease issuance which was also administrative then we would need to do termination and re-issuance.

Administrative Director J. Hattig, III: Not exactly the same because...

Legal Counsel N. Toft: Right.

Administrative Director J. Hattig, III: Because the subsequently lease issuance in the previous case was board approved.

Legal Counsel N. Toft: Was board approved.

Chairwoman P. Fejeran: Right.

Legal Counsel N. Toft: So, it would be three actions. One would be recognized Sandra Flores Chargualaf as the beneficiary, two would be the termination of the previous lease, three would be the re-issuance of the lease.

Commissioner A. Duenas: Motion to designate Ms. Sandra Chargualaf Flores as the benefactor to Mr. David Joseph Borja's application number 124.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Administrative Director J. Hattig, III: Suggestion. If I may suggest we do the action to terminate the lease first the designate because legally you cannot designate someone who already has a lease. I know that lease is subject to legal challenge but...

Legal Counsel N. Toft: Well that's our argument to avoid is the thing.

Administrative Director J. Hattig, III: Okay just administratively I'm making that...

Legal Counsel N. Toft: That's fine.

Administrative Director J. Hattig, III: Yeah. The suggestion is to terminate first because it shows the corrective action and then the designation according to the law. Right, we should do... Thank you.

Commissioner A. Duenas: So, I will retract my original motion and making a motion to terminate the lease for Tract 9210, Block 8, Lot 10 in Yigo for Ms. Sandra Flores Chargualaf.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

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

Commissioners: None.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it.

Commissioner A. Duenas: Motion to designate Ms. Sandra Chargualaf Flores as the benefactor to Mr. David Joseph Borja's application number 124.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

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

Commissioner A. Duenas: None.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye

Chairwoman P. Fejeran: The ayes have it

Commissioner A. Duenas: And then motion to awarded I'm sorry to provide lease to Ms. Sandra Flores Chargualaf for Tract 9210, Block 8, Lot 10 Yigo for residential.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

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

Commissioner A. Bordallo: [Inaudible]

Chairwoman Pika Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it. Thank you. I do want to put on the Director and staff notice this property is probably one of the very small lists of properties that are leased out that have direct access to power and water. Okay and our rules and regs state that any individual or any lessee that leases property with the CHamoru Land Trust Commission through it residential property lease program shall occupied and commence to use of tract as his or her home no later than three years following the availability and installation of necessary basic infrastructure i.e. road, water and power. I just want to point out that now that she has the lease, she has three years to move in.

Administrative Director J. Hattig, III: Yes. We will add this to our compliance section. They will be made aware of any leases that are issued with direct access to water and power so that we can provide the necessary site inspections and follow ups.

Chairwoman P. Fejeran: Yes. Can you also provide notice to Ms. Flores that all of this happened today? Today starts the three-year clock because if. I don't know what her situation is but there are many on our list that are ready to move in and build this year. Okay. Thank you.

Paul Mendiola Flores

Chairwoman P. Fejeran: Okay. Next on our list is Paul Mendiola Flores.

Land Agent II J. Casem: We weren't able to get in touch with him, however in this case Mr. Flores actually should not have been on this listing.

Chairwoman P. Fejeran: Should not have been?

Land Agent II J. Casem: Should not have been as it was board approved in July 19, 2001 requesting to do takeover from the original applicant. Mr. Paul Mendiola Flores as stated in number six.

Chairwoman P. Fejeran: Okay.

Land Agent II J. Casem: Here we are requesting for just a removal of Mr. Paul Mendiola Flores off the null and void listing.

Chairwoman P. Fejeran: Okay and I guess recognizing that the lease that he holds is a legitimate.

Land Agent II J. Casem: Yes. Board approved.

Chairwoman P. Fejeran: Board approved legitimately. Okay I see. Just to recap the original applicant a Mr. Jose Crisostomo Flores December 20 applicant was issued a lease in 2001 and then in that same year he came and requested to transfer that lease to his son, Paul Mendiola Flores and the Commission at that time did approve it.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Which is within the authority of the Commission. Okay. So again...okay we're looking at recognizing that lease held by Mr. Paul Mendiola Flores is not...should not be included in the null and void list and then to ratify the lease as it has not been commission approved previously.

Land Agent II J. Casem: It hasn't been ratified. Yes.

Administrative Director J. Hattig, III: Does that satisfy the legal muster?

Legal Counsel N. Toft: Yes.

Administrative Director J. Hattig, III: Just want to make sure.

Commissioner A. Duenas: So, motion to remove Paul Mendiola Flores from the Null and Void list.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded by Tan Amanda. Further discussions?

Commissioners: No.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it. Okay.

Commissioner A. Duenas: Motion to ratify the lease for Mr. Paul Mendiola Flores for Lot 421-2 in Talofoyo.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Bordallo: I second it.

Chairwoman P. Fejeran: Seconded by Ms. Bordallo. Further discussion.

Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it.

Fred Quintanilla Aguon

Land Agent II J. Casem: Lastly, we have Mr. Fred Quintanilla Aguon. We were unable to contact him also. He too should be removed from the Null and Void listing because he is the original applicant.

Chairwoman P. Fejeran: Oh.

Commissioner A. Duenas: Oh...How did he get on the list?

Land Agent II J. Casem: I'm not sure but he is the original applicant. So, request to remove him from the Null and Void listing.

Chairwoman P. Fejeran: Mr. Aguon if I'm reading this correctly. He wasn't switching applications. He just switched properties with another lease which isn't approved at the time.

Land Agent II J. Casem: I believe at the time it was concurred. Yes, in number two. He wanted to do a swap and then it was in an agreement by the Director Mr. Joseph Borja in '97 and a lease was issued to Mr. Aguon for Lot 4, Block 6, Tract 319 as to number three.

Chairwoman P. Fejeran: Okay. I think remember this. These were the 1997 leases where people drew lots like out of a hat.

Land Agent II J. Casem: It was one of the parcels that was already slated to be surveyed. It was one of the bigger parcels turned into smaller residential lots. A drawing just like the 9210.

Chairwoman P. Fejeran: Okay. So, I guess he drew a certain lot. Another person drew a certain lot and they said 'Hey I like that village better. Do you like this village? So, let's switch.' Okay. I'm...not seeing much in his file except for the residential lease. Everything was just done administratively.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Okay. So, if we were to...we would have to...

Land Agent II J. Casem: So, removing him from the Null and Void list and ratifying his lease under Lot 4, Block 8, Tract 319.

Chairwoman P. Fejeran: Okay how about the gentleman he switched with?

Legal Counsel N. Toft: If that one wasn't identified as null and void by the AG's office it would have been covered by the earlier ratification of the other leases.

Commissioner A. Duenas: Motion to remove Mr. Fred Quintanilla Aguon from the Null and Void list.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

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

Commissioners: None.

Commissioner A. Bordallo: [Inaudible] residential lease?

Commissioner A. Duenas: No, I do that in a second. To review it. One motion to be made.

Legal Counsel N. Toft: Just to remove. To remove and ratify.

Commissioner A. Duenas: Yes.

Legal Counsel N. Toft: That would be fine.

Commissioner A. Duenas: Okay. So, I will correct it. Motion to remove Mr. Fred Quintanilla Aguon from the Null and Void list and ratify the residential lease for Lot 4, Block 8, Tract 319 in Agat.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Further discussion?

Commissioners: None.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it. Great. Sorry I grabbed the wrong file... So, is that the last one?

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

Chairwoman P. Fejeran: Thank you for presenting all of that. I know that these cases are not the only ones we can solve like this. So, I trust that at subsequent meetings we will be going through cases like this it would be helpful for us if have the type of case, decisions, motions made related to that case could be drafted up and provided so that we come across another case in the future we have right there on how we were able to solve it. That would be very helpful... Before we move on, we're going to take a brief recess. We will reconvene at 2:25. Thank you.

2. Commercial Leasing

Chairwoman P. Fejeran: I would like to call this Land Trust Commission Meeting back to order. Moving down to old business number two commercial leasing.

a. Hal's Angels/Guam Rugby update on negotiations

Chairwoman P. Fejeran: First item is Hal's Angels and Guam Rugby update on negotiations.

Administrative Director J. Hattig, III: Thank you very much madam chair. I just want to present the Board with an update on the talks between Hal's Angels and Guam Rugby. I'm happy to report that the talks are very positive. They're progressing very well. I entertained both organizations separately and also, I'm in receipt of their various proposals. I think in estimation we're very close at this time to an agreement. We just need to hammer home some details. I met with Hal's Angels on the 10th of October. They indicated their proposals and then I met recently just today with the Guam Rugby. They indicated their proposals. So, I'm doing follow-up meetings with them especially with Hal's. To see where we can present a one big compromise proposal to the Board right now. As it was stated I received today Guam Rugby's proposal I would like to have a little bit more time to put that together. I know both representatives for the record, both representatives are here today at the meeting. I did meet with them. I did explain that I am only giving a progress report at this time. I'm not recommending any decisions be made at this time. I think that we can agree that the proposal that you came up with on the 19th of September where the left hand side of the property near the pipeline would be open to easement, a public easement and then a portion to include the net zero would be increase on the border between their two fields for the same portion that was opened up. So, I think that that's making a great progress. Both groups are amendable to that. We just have to kind of...there is an environmental concern of the drainage on the northern border so I'm going to be working with EPA to make if there is any site work that needs to be done, to make sure the drainage is not affected negatively effecting both organizations. That is a consideration.

Chairwoman P. Fejeran: With the [Inaudible] to work with BPMU or on the requesting party.

Administrative Director J. Hattig, III: Well right now I just want to make sure I can put them in touch with the appropriate agencies. So, if I can liaise with my counterparts in the cabinet and the agencies to provide that. I don't think it's much to tell you the truth because all of that was already mitigated prior to when Rugby brought their field in, I'm happy to do ma'am. It's not something that would take long. To tell you the truth I could staff it out so it's not like I would have to take care of it personally.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: That is my assessment of the so far of the negotiations subject to your questions.

Chairwoman P. Fejeran: Okay. I appreciated that you've been in touch with both parties. I wanted to offer Mr. Morrison and... I'd like to offer both representatives that is here today if they want to come forward [Inaudible] and say anything on the record at this point. Mr. Shiroma? No. Okay. Thank you for coming. I'm hopeful that we can get this resolved as soon as possible and I'm sure both of you are also. I did have a question. Is Rugby accessing the field, playing at all?

Administrative Director J. Hattig, III: No, not at this time ma'am. There was some activity on the western border. They cut some of the trees to trim the branches. Also, there was some access, temporary access, they got in in order to do some clearing on the field through Lada so they did attempt to do that. So, what I'm trying to do I'm trying to bring the two parties together to see what we can do about a temporary access if we can but we're not there yet. Let's work on the commitment for the alternative access then we can talk about the temporary access.

Chairwoman P. Fejeran: Okay. Thank you for the update. Thank you both for being here. I trust the Director will lead this along and I'm hopefully at our next meeting which will be scheduled for November. We will have a full packet that both parties have already agreed to and then it will be presented to the Commission for final approval. Thank you.

b. ReMax request for easement – Lot 472 Agat

Chairwoman P. Fejeran: The next item on our agenda is the ReMax request for easement and this is in regards to Lot 472 in Agat.

Administrative Director J. Hattig, III: I would like to invite Mr. and Mrs. MacDonald, who are the current lessees for the property, to come forward.

Chairwoman P. Fejeran: Buenas and hafa adai. Please state your names for the record.

Mrs. Maria McDonald: My name is Maria McDonald. [Inaudible]

Mr. Jay McDonald: Jay McDonald.

Chairwoman P. Fejeran: Thanks for coming. If memory serves me correctly this last two meetings ago or three meetings ago we briefly looked at ReMax's letter to us which dated June third.

Administrative Director J. Hattig, III: There was two letters. One on June third and one on July eighth.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: ReMax did submit a request to the Commission for a right of entry and public access utility access to a portion of Lot 472 in Agat. It's the northern portion. When we put it up, it will be the narrowest portion of the property to the north. So, when we have the map set up there is a map on page two of the hand out that indicates Lot 472. So immediately to the north there's a shadowy grey triangle area on your map in your packet and that was the proposed access easement.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: So, the cursor is in about the right direction at the end of that you see the easement to the left at the end of it. If you go all the way to the top. A little bit further. At the end of it. Down. Up there. Right round that area is where they proposed to put it. I did conduct a site visit and I walked the entire nine-acre property with Mr. McDonald and Mrs. McDonald was there as well. Just based on the actual terrain, topography and approximation to the river I don't believe it's feasible to put any kind of easement there. First of all, the access to the area from the long strip there, the access, that portion area right there, it goes up at the end, it goes up a steep hill and then down a steep embankment to the actual river. There would be a lot of construction work, a lot of fieldwork. There are concerns because as you can see the river is located in that area. I don't believe at this time it would be feasible for any kind of right of entry. I did have a subsequent meeting with ReMax after my site inspection in which I indicated the same position which is I did not think it is feasible at this time and advised them to try and seek easement elsewhere through actual designated easement around that area to the property. They're working with GHURA, working with some other outlying areas in the adjacent properties to get an alternative access rather than through 472.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: I must mention, I'm sorry, for the record 472 is actually unregistered. I'm happy to say, I believe... Am I correct in saying that we'll file for that? Did we file yet?

Legal Counsel N. Toft: I don't know if we filed yet. We're in the process.

Administrative Director J. Hattig, III: We are in the process of filing for the court... adjudication process for filing land registration. I just wanted to mention that as part of the report.

Chairwoman P. Fejeran: Okay. Thank you. Mrs. McDonald and Mr. McDonald thank you for coming. As with many of our leases we really hesitate to make any decisions without the lease holders being present and aware of the discussions. I'm glad you came. Your lease property is that funky shape... That's your leased property?

Mrs. M. McDonald: Yes, it is.

Chairwoman P. Fejeran: Had ReMax been in touch with you both? They had.

Mrs. M. McDonald: Originally, we were approached and then regarding the property, and so we were... we're always open and then they the lady wanted to see if there was possible for the road there. We never really thought about it there. It's kind of difficult but we went ahead and showed it to her and so then that is about the only conversation we had. Like I said we were positive. What was the plan for it? Otherwise we didn't get any information for it. We're just concerned and it was Mr. Hattig who address it. Came out and did a little fieldwork. I think it was right. My concern with stuff like this on Guam I've seen Southern High School teacher. I see a lot of work put into the building and then it's left. I'm not sure about the construction and thinking about what's going to happen in the future. That was our concern. Then Mr. Hattig made the decision there.

Chairwoman P. Fejeran: Okay great. I'm glad Mr. Hattig went out there and got to see it for himself. I understand what's being proposed here. I think on the outset it sounds great. They're going to put in a road, utilities all the way back there. Sometimes maybe it is not for the best.

Mrs. M. McDonald: Well we worked that terrain and we had to use special tools. Follow specs we work with [Inaudible] every step of the way every detail. We're always open to if they're going to do that. Obviously, we want to know how.

Chairwoman P. Fejeran: Exactly, it has to mean sense for you and how you use the property and how impacts the future.

Mrs. M. McDonald: Right. We're always looking good times. What we are going to do in the future? We would love to have neighbors that are going to [Inaudible] and collaborate. I'm always looking to the future. We been there for a while. [Inaudible] Thank you Mr. Hattig for taking the step further.

Administrative Director J. Hattig, III: I wanted to add any kind of construction would damage the investment they already made. There were a number of plants that were planted not only fruits and vegetables but also anti-soil erosion plants. We got a chance to see the ones near the river. Acacia, right? That's what it was. I really think the work that they have done not just to their benefit for production but also for the protection of the soil the actual area. To do that would be a detriment to the investment they made in planting their crops or their trees.

Mrs. M. McDonald: If I may say so we're always looking at you know. [Inaudible] Our neighbors come forward as far as us living in the south because of the high surface erosion and water erosion we use vegetative barriers, vegetative erosion control, or trying not to use

cement or things like that. We discovered some really good practices but then again, I think that can be told maybe in the future. In the future we can use the property as to do things like that. You know as educators. Things like that. There is a lot to tell. I see houses going up. You can't you know just take [Inaudible] and cut it and then put your house on there without thinking about what's the right way. So, you really have to work at it. And that's pretty much all the hard work we've done. [Inaudible]

Chairwoman P. Fejeran: Well thank you. That's a nice size property and you're employing all these techniques. Not only your property but all the down to the watershed all the down to the reefs all the hard work you're doing is for the betterment of our entire island.

Mrs. M. McDonald: I won't take too much of your time but I know they spend a million dollars to rebuild that bridge over by the Spanish Bridge. That was just a mess. The whole reef. I don't know if you ever drove by but the reef was always red [Inaudible] well it's not like that anymore. I not saying we did it ourselves but we were always keeping that in mind [Inaudible] there was a turning point. By putting a little erosion control, they did in that river area [Inaudible] whoever does anything will keep in mind we just we just [Inaudible] soil. The embankment. It also helps [Inaudible] what was on the road. The express was the river to under the bridge and I was just very happy that that what we were doing. I thought that what we were doing was a drop in the water but then they did. They build the bridge and reinforce all that. It really made a big difference. You have no flooding. You don't go around Umatac anymore. You go straight up. We don't have that flooding anymore. Good stuff.

Chairwoman P. Fejeran: I would have appreciated if you want to offer what you learned and share it with us. We have a lot of properties in the south that have lot of erosion. They were not meant to be develop. If we can take some of your best practices and apply it to our properties that would be amazing.

Mrs. M. McDonald: We have a lot of knowledge. We could probably help out with a crisis.

Administrative J. Hattig, III: We did talk about that ma'am. I'm glad you brought that up because at the end we talked about participation in maybe a land summit that the Department of Land Management is trying to have. What I would like to do is bring success stories about agriculture in what we can learn to that summit and also take it a step further any new agricultural lessees come in and want to apply actually bringing them to other agricultural areas to see what works before we issue the lease. That way they know exactly what they're getting involved in and what works and what doesn't. We can also get them access to NRCS because the USDA provides us with a great opportunity to get grants and free money to tell you the truth you just got to be willing to work for it. As we discuss and they have worked so hard on it and you can see the literal fruits of their labor.

Mr. J. McDonald: I just wanted to say that basically we did work closely with NRCS who were very cooperative also Department of Agriculture (Guam) and also UOG to do the erosion. If you look at a piece of property first every single tree on that property you can see from the aerial was not there when we got there. We planted a thousand Acacia trees. If you look very closely you can see the terracing that Mr. Hattig was talking about. Also, we were able to get a grant from NRCS to put in an irrigation system which was a lot of work. We did a lot of it ourselves. We basically subcontracted but we were in charge of whole thing. It was a big project. They are looking for people at least at that time they were looking for people that wanted to do it.

Mrs. M. McDonald: It's available.

Mr. J. McDonald: The grants are there and are available. There are hoops. It's a lot of administrative work that you have to do.

Mrs. M. McDonald: And you have to work.

Chairwoman P. Fejeran: Thank you. Perhaps ReMax may come back to us at another time. I'm glad they were the route to bring you to us and present to us.

Mrs. M. McDonald: It was really nice [Inaudible] I guess we're getting closer to other things.

Chairwoman P. Fejeran: Thank you both.

Administrative Director J. Hattig, III: Thank you so much.

Chairwoman P. Fejeran: Director would you put that on your list of discussion points for when we're talking with UOG in determining in-kind services. Maybe that's something they can do, led our agricultural lessees through that process to get those grants in order to improve on their property.

Administrative Director J. Hattig, III: Just on that point we scheduling a tentative date on the twenty-ninth, I'm trying to nail it down for the MOA. I'm just waiting for the Governor to sign the legislation into law then I'll work on the MOA. The AG still needs to review that.

Chairwoman P. Fejeran: Okay thank you for that. Just let me know and I'll try to attend.

Administrative Director J. Hattig, III: Yes, I want to make sure we're all at the signing.

c. Kwikspace Guam, Inc. request for Right of Entry – Lot 11-B-R5

Chairwoman P. Fejeran: Next on the agenda is Kwikspace Guam request for the right of entry for Lot 11-B-R5.

Administrative Director J. Hattig, III: I wanted to invite our Program Coordinator Joey forward. Joey is actually doing the commercial leasing on Kwikspace. Basically, they found out, I'm just doing an update ma'am, here probably isn't anything to found in the file. It's again just another update. We found out that Kwikspace is indeed encroaching on CHamoru Land Trust property. We visited. We conducted a site visit. The survey technician, Pierce, went out and found a portion that seems to be the encroachment and also, we identified the right of way that they were requesting the initial a couple of meetings ago. They requested a right of way. We figured here is the cleanest option is to do a land swap because a significant portion. I don't know if you can see it here the blue line pretty much delineates our property which is on the right-hand side and the left-hand side is the GALC, Guam Ancestral property. You can see the significant encroachment, that's quite a big encroachment. I suggest recommend that we do a land swap with Guam Ancestral Lands Commission because we have been informed that the CHamoru Land lessees are occupying on GALC property. When that was presented to me when I first came on board, I said we need to look at ways where we can rectify the situation. This presents us with an opportunity. Right now, those are the two areas that is a better indication of the encroachment and the space to the bottom is the right of way that they were asking us to enter. What I wanted the survey crew to do is to consolidate those two pieces into one to give you an acreage, approximate acreage of the land swap. I'm asking GALC to do the as-built for it, to pay for it because their lessee is encroaching on our property. I have already engaged in talks with Mr. Angoco and the Ancestral Lands Commission to pay for the as-built so we can show where the property line is going to be. Then I can present that as-built to you to the Commission in the hopes that we can conduct the transfer or swap of properties. Also, I

need time to indicate what properties CHamoru Land Trust lessees are occupying on GALC properties. That is what I'm currently doing right now, getting an assessment of where and I'm trying to fact in the acreage for acreage because it's going to be the same acreage that we're going to give up is the same acreage we going to get from them. That's hopefully what I would like to do in conjunction with getting this situation rectified. The encroachment is significant to my knowledge we are not receiving any remunerations for the encroachment onto our property which is a subject of concern for me. There was some indication that maybe Joey can expound on this but the property to the bottom where they were asking for the right of entry, were they ever paying for that property?

Program Coordinator III J. Cruz, Jr.: They are current with their payments. They paid in 2600 some dollars every year.

Administrative Director J. Hattig, III: And it comes to us? For that portion. So that portion is accounted for the request for the right of entry area. That was through GEDA correct?

Program Coordinator III J. Cruz, Jr.: The right of entry proposal was presented by GEDA to the previous Board. There was a lease that was prepared but never executed but Kwikspace has been paying ever since they been utilizing the right of way entry but not for the encroachment for that piece of property.

Administrative Director J. Hattig, III: I wanted to provide that information to you. Also, if we could have. Mel are you able to give an approximate acreage as to what the encroachment is?

Engineering Technician II M. Javier: It's indicated on the map. John if you can move it up? Perfect.

Administrative Director J. Hattig, III: Approximately 2,511 plus or minus square meters. That is the size of the encroachment. Scroll down a bit the right of way the right of entry is 920. We're looking at. Pierce what the approximation is an acre and half?

Engineering Technician II P. Castro: That one is almost three quarters of an acre.

Administrative Director J. Hattig, III: Putting them together.

Engineering Technician II P. Castro: Yes.

Administrative Director J. Hattig, III: We estimate that to be. What was our estimate to be when we took a look at that scheme? 2511 plus.

Engineering Technician II P. Castro: It was 929.

Administrative Director J. Hattig, III: What is that equivalent to? 34. What's 34?

Engineering Technician II P. Castro: Three quarters. 4046.

Administrative Director J. Hattig, III: Then we going to add the distance between the two properties. That's going to be our proposal to connect them because why would we have a right of entry and then we have the encroachment that's there. We're only going to swap the encroachment. We might as well have the entire amount. It's cleaner to me. It's cleaner.

Engineering Technician II P. Castro: It's the river.

Chairwoman P. Fejeran: That property is the river. It's not useable [Inaudible] what is that big portion up there? Is that Land Trust?

Administrative Director J. Hattig, III: That is actually the subject of inquiry by the Piti mayor. The Piti mayor has made an inquiry. He wants to know where our boundary meets with other boundaries and he wants to know who is in those areas. Right now, we're trying to find out. As a matter of fact, we met.

Engineering Technician II P. Castro: There is an old map showing it belongs to DOE because there was a school there at one time. We need to do on that one further research.

Chairwoman P. Fejeran: Is that a construction staging zone?

Engineering Technician II P. Castro: It's...

Administrative Director J. Hattig, III: Currently right now my concern and that's the reason why I brought it up is there is a lot of construction along the road. They're pushing in to what I believe to be Trust property but let the guys do the GPS points to find out where we at and then I can address it with whatever agency is out there. I was concern too. That's the river marked in red. We won't have been able to issue any property, residential or agricultural, in this area unfortunately. That is why I recommend a clean land exchange for the best opportunity. Plus, the lands that we get from Ancestral could be residential or agricultural in nature so they would fit more in our inventory.

Chairwoman P. Fejeran: Thank you. A lot of information. Thank you very much.

Administrative Director J. Hattig, III: Thank you guys. Appreciate it.

Chairwoman P. Fejeran: I look forward to another update.

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: Down the line.

V. NEW BUSINESS

1. Agricultural and Residential Leasing

Chairwoman P. Fejeran: Next item is new business. Number one is Agricultural and Residential leasing.

a. Constituent Request (5)

Gil L.G. Mendiola

Chairwoman P. Fejeran: This first is for Gil L.G. Mendiola.

Administrative Director J. Hattig, III: Is Mr. Mendiola here?

Unknown: No.

Administrative Director J. Hattig, III: Is there a representative here?

Land Agent I J. Gumataotao: Here's the file.

Land Agent II J. Casem: He is unable to make it here because his school bus driver.

Administrative Director J. Hattig, III: Oh, that's right. We're received his request for us to adjudicate being bus operations.

Chairwoman P. Fejeran: Okay [Inaudible]

Land Agent I J. Gumataotao: Mr. Mendiola actually has completed the survey requirements for the issuance. In his case it would be for issuance for an addendum to his agricultural lease. Previous leases which were unsurvey indicate a portion of. He was able to complete a survey. We tried to schedule for two previous meetings but because of his work schedule. The meetings his work schedule have always collided.

Chairwoman P. Fejeran: I don't think he has a lease... I'm finding a notice of intent to award. An authorization to survey...a few times... Are you listening?

Land Agent I J. Gumataotao: I'm sorry. I stand corrected. A lot of this transpired during the time we had our moratorium. We issued the authorization to survey prior to.

Chairwoman P. Fejeran: Issuing the lease.

Land Agent I J. Gumataotao: Correct.

Chairwoman P. Fejeran: Okay. Got it. Yes. That makes sense. So, what happen was we gave him a notice of intent to award. So yes, I'll take it. We said okay go get it surveyed. As soon as your survey is done, we will issue the lease.

Land Agent I J. Gumataotao: Correct.

Chairwoman P. Fejeran: So, he's completed the survey?

Land Agent I J. Gumataotao: Yes.

Chairwoman P. Fejeran: Okay. And so now we're. Before us is the request to approving the lease based on the survey Mr. Mendiola undertook.

Commissioner A. Duenas: How come his priority is inapplicable?

Land Agent I J. Gumataotao: Huh?

Commissioner A. Duenas: The priority on his file says it's inapplicable.

Chairwoman P. Fejeran: It's agricultural.

Commissioner A. Duenas: Agricultural [Inaudible]

Chairwoman P. Fejeran: Do we have any requirements for issuance of agricultural leases? Do we require they show us they are a bona fide farmer?

Administrative Director J. Hattig, III: I believe the intent here is for them to provide a farm plan before we undertake any kind of serious. I don't think there is anything to preclude the issuance of a lease without one. We work with them right afterwards normally. A lot of the leases were issued subject to survey for a portion of. Realistically they couldn't do anything even if they submitted a farm plan. They wouldn't be able to do anything because it's unsurveyed. Before they start planting, we need to know where their meets and bounds are. Yes, we can require them to submit a farm plan if that is the decision of the Commission prior to the issuance of a lease. In prior practice we've issued leases without farm plans and we're trying to get into the practice of doing that. Get a farm plan together what you intend to do. We're going to hook them up with UOG in-kind services. I'm trying to funnel all of them into that pipeline, so they can be bona fide farmers and be actually legitimate farmers.

Chairwoman P. Fejeran: Okay... I believe it is within the Commission's authority to require certain things like becoming a bona fide farmer or submitting a farm plan. Up until this point we have not been requiring it. We've been issuing out the leases. I guess leaving it up to our compliance arm to make they're becoming farmers, using the land appropriately. I would like to ask the Commission if that is something they would like to reconsider. Residential leasing, we only lease to those that don't have land. Those are our priorities. You don't have land. We'll give you land to build a house but anybody on our waiting list can get an agricultural property. But if we giving them an agricultural lease what is the Commission's due diligence to know that they are going to be using it appropriately. I'd like to put that in the air. We can think about that. That is something that we can develop when we are going through our standard operating procedures, looking at our lease templates. I'd like to request a proposal from the Director and the staff on how we can qualify our agricultural applicants for the leases. Going back to this case, Mr. Mendiola was issued a notice of intent to award which means we have property and he accepted it. We said okay we'll give you the lease after you get it surveyed and I know surveys are quite a substantial investment. At least a thousand dollars, he put in the investment and the map was recorded. Now would be the issuance of the lease.

Commissioner A. Duenas: Motion to issue lease for Gil L.G. Mendiola for Tract 18113, Block 7, Lot 6 in Mangilao for an Agricultural lease.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Further discussion?

Commissioners: No.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it.

Land Agent I J. Gumataotao: Thank you... Did you want me to have Mr. Mendiola to provide a farm plan?

Commissioner A. Santos: It's okay.

Chairwoman P. Fejeran: No.

Administrative Director J. Hattig, III: We'll work with him on that.

Chairwoman P. Fejeran: Work with him on that. When he comes in to sign the lease be sure to go over every single point in the lease. It plainly states what he is required to do like plant so many trees.

Commissioner A. Bordallo: To become a farmer you have to do so many things.

David Chaco Nauta

Chairwoman P. Fejeran: So next on new business we have Mr. David Chaco Nauta... Hafa adai sir... If you could both state your name for the record.

Mr. David Nauta: David Chaco Nauta.

Land Agent I Jessica Dayday: Jessica Dayday, CLTC Land Agent.

Chairwoman P. Fejeran: Thank you.

Land Agent I J. Dayday: This is Mr. Nauta. He is located at Lot 480-10 in Agat. Mr. Nauta is a pre-occupier with a LUP. Status number 604. His application date and time is June 4th 1998. Application number 4707. Mr. Nauta is here today requesting an issuance of a lease.

Chairwoman P. Fejeran: Thank you. Thank you for coming. I see that he is a pre-occupier. I see he has a land use permit number 604. I'm sorry your land use permit is for the current property we're talking about today.

Mr. D. Nauta: Yes.

Chairwoman P. Fejeran: Based on our rules and regs when somebody is a pre-occupier the Commission cannot evict them from their property. Instead what the Commission has to do is issue a lease. Now that the land use permit program is no longer, CHamoru Land Trust took over and now we would be compelled by the rules and regs to issue Mr. Nauta a lease. This is for an Agricultural lease?

Land Agent I J. Dayday: It's an agricultural.

Mr. D. Nauta: Yes.

Land Agent I J. Dayday: However, he is also requesting to change the type, application type to residential. I apologize he just mentioned that right now.

Chairwoman P. Fejeran: That's okay I think the Commission can approve that, switching from agricultural to residential.

Commissioner A. Santos: Yes.

Chairwoman P. Fejeran: We would need a motion to issue the lease. I'm sorry. There was a lease prepared.

Land Agent I J. Dayday: There was an intent.

Chairwoman P. Fejeran: There was an intent? But there's no signatures or anything. This was back in 2012. There wouldn't been anything we would need to void. This is straight to lease.

Land Agent I J. Dayday: Correct. He paid Mr. Ventura to survey the property however the map did go through. It wasn't approved. It didn't. No process. But he did survey with Mr. Ventura.

Chairwoman P. Fejeran: Okay. Mr. Ventura is the one with a lot of CHamoru Land Trust cases that were never fully recorded maps.

Land Agent I J. Dayday: Correct.

Chairwoman P. Fejeran: I'm sorry that happened Mr. Nauta [Inaudible]

Land Agent I J. Dayday: I did inform him that he would have request for a survey authorization to survey.

Administrative Director J. Hattig, III: He's currently not a part of TG Engineers to absorb some of the responsibilities of Mr. Ventura's projects. We are still trying to ascertain whether he is on that. The current look says no but we always like to do a subsequent check and we do meet with TG Engineers anyways to see if there is any that they know about that we didn't. We can do that right now first. I like to suggest we do that first Mr. Nauta. If he paid for services rendered. I think it's really bad if he has to pay again but I'm going to task our survey crew if trying to figure out whether we can get a government survey applied to this particular instance. What was the consideration for also residential? We can even make it.

Engineering Technician II M. Javier: You can make it a quarter acre if it's not on the aquifer.

Administrative Director J. Hattig, III: It's not on the aquifer.

Engineering Technician II M. Javier: We cut it down to quarter acre.

Administrative Director J. Hattig, III: Since he wants to switch to residential, we would really like the Commission to consider that. Although it says half acre in the law states if you have sewer access you can cut it down to a quarter acre. That is really a better acreage for residential application than an agricultural application.

Chairwoman P. Fejeran: Mr. Nauta is already residing on the property, correct? Was the land use permit for a certain acreage? Well it's never been survey.

Mr. D. Nauta: What I understood it was 200 x 200. It's down to a 100 x 100 now. [Inaudible].

Unknown: 100 x 100 is a quarter acre.

Chairwoman P. Fejeran: Are you okay with that property? The quarter acre the 100 x 100 for your residential.

Mr. D. Nauta: I wasn't.

Chairwoman P. Fejeran: You weren't aware of this.

Mr. D. Nauta: I wasn't aware that it would come down to a 100 x 100.

Chairwoman P. Fejeran: When was this decision made to cut the property down? [Inaudible]

Mr. D. Nauta: In 2017 the land thing was going on.

Commissioner A. Bordallo: [Inaudible]

Chairwoman P. Fejeran: Mr. Nauta, Commissioner Bordallo wanted to know does your home have sewer. Are you connected to the sewer?

Mr. D. Nauta: Not to the government. I do have a septic tank.

Chairwoman P. Fejeran: You have a septic tank. Okay. [Inaudible] On the lot [Inaudible]

Unknown: I thought sewer was available [Inaudible]

Commissioner A. Bordallo: Half acre you can have [Inaudible]

Administrative Director J. Hattig, III: Yes. That's right.

Commissioner A. Bordallo: Anything less than [Inaudible]

Administrative Director J. Hattig, III: I don't think there's sewer in the area [Inaudible] Yes.

Chairwoman P. Fejeran: We're going to leave him at this.

Administrative Director J. Hattig, III: We're going to leave him at the half acre because that's the lowest by law that we issue without sewer.

Chairwoman P. Fejeran: So, he keeps it. Your residential lease will have half acre. Is that okay with you? Was that the original amount you had?

Mr. D. Nauta: It was 200 x 200.

Chairwoman P. Fejeran: Which is a one acre.

Administrative Director J. Hattig, III: That is a half-acre.

Chairwoman P. Fejeran: I'm sorry.

Mr. D. Nauta: Then was Land Management...

Chairwoman P. Fejeran: Okay. Then they said they would cut it down.

Mr. D. Nauta: I was told it was a 100 x 100. [Inaudible]

Chairwoman P. Fejeran: We're looking at... a half acre lot. That is the original. 200 x 200.

Unknown: Yes.

Chairwoman P. Fejeran: We're going to go with that one. A 200 x 200 property to award Mr. David Chaco Nauta.

Commissioner A. Bordallo: That's one acre.

Unknown: It's half.

Commissioner A. Bordallo: Half acre is 2000.

Engineering Technician II P. Castro: 2000 x 23 square meters.

Commissioner A. Bordallo: That is a half-acre.

Engineering Technician II P. Castro: Yes.

Commissioner A. Bordallo: 200 x 200 is four thousand.

Engineering Technician II P. Castro: That's one acre. Yes.

Commissioner A. Bordallo: [Inaudible] 200 x 100.

Engineering Technician II P. Castro: Yes. 200 x 100.

Chairwoman P. Fejeran: Mr. Nauta's original property was one acre. 200 x 200.

Mr. D. Nauta: Yes.

Land Agent I J. Gumataotao: If he is referring to the LUP.

Chairwoman P. Fejeran: I'm looking at the agricultural lease that was prepared for him, never signed and it says not more than 1 acre. Yes, one-acre portion [Inaudible]

Chairwoman P. Fejeran: Can we lease property over an acre? Over half an acre? Nick.

Legal Counsel N. Toft: For agricultural yes. Not for residential.

Chairwoman P. Fejeran: Not for residential. Because we are going to be issuing a residential lease it has to be one half acre [Inaudible]

Administrative Director J. Hattig, III: 200 x 100 [Inaudible]

Chairwoman P. Fejeran: Is that okay? Residential you will have the half acre lot [Inaudible] agricultural we would be allowed to lease a full acre lot.

Land Agent II J. Casem: The surrounding adjacent neighbors where a check print that has been given to Mr. Ventura. It just wasn't fully approved. You have constituents that have surveyed but it just not brought to completion. If you were to give Mr. Nauta the one acre you could possible displace another current leasee.

Chairwoman P. Fejeran: That's why he was saying back in 2017. I see. Thank you. I think Mr. Nauta if we can issue you a lease today for residential for the half acre. Would you be okay with that? Is that okay? Thank you. Okay.

Commissioner A. Duenas: Motion to provide a lease for Mr. David Chaco Nauta for Lot 480-10 in Agat for 2,026 square meters for residential.

Administrative Director J. Hattig, III: I'm sorry. Just a point for information. Can we change the type of application first because it was originally an agricultural application? Can we change the type first then we'll issue him the residential lease?

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: Thank you.

Commissioner A. Duenas: Motion to change the application for 4707 for Mr. David Chaco Nauta to be changed from Agricultural to Residential.

Chairwoman P. Fejeran: Motion made to change the application type.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded. Further discussion?

Commissioners: No.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it.

Commissioner A. Duenas: Motion to issue Mr. David Chaco Nauta a residential lease for Lot 480-10 in Agat for 2,026 square meters.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded it. I'm sorry for clarification this is for a half acre lot [Inaudible] further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it. Thank you. Jessica will be working with you. She'll have you come in and sign the lease. Also, in the meantime we will be working to see if we can get your property surveyed. Because you have already paid for a survey, we'll work to see a survey completed on our end.

Commission A. Duenas: Thank you.

Chairwoman P. Fejeran: Thank you very much.

Rosita Aquillo Mahony

Chairwoman P. Fejeran: Next case on the agenda is Ms. Rosita Aquillo Mahony.

Land Agent II J. Casem: Move forward first to Mr. William R. Taimanglo and Linda Rodriguez as they are here.

Chairwoman P. Fejeran: Sure.

William R. Taimanglo (POA Daniel Rodriguez)

Chairwoman P. Fejeran: Thank you for that. We have the case for Mr. William R. Taimanglo and looks like there is a power of attorney Mr. Daniel Rodriguez.

Land Agent II J. Casem: Yes. Mr. Rodriguez came earlier but he did have to step out but he did advise that Mr. William is here. Before you we have Mr. William R. Taimanglo and he is here for a request for lease issuance. It has been surveyed under 135FY2018 and recorded with Land Management under 932690. We are requesting for a residential lease issuance.

Administrative Director J. Hattig, III: He is a December 2, 1995 applicant.

Chairwoman P. Fejeran: Hafa adai sir. If you could state your name for the record.

Mr. William R. Taimanglo: Hafa adai. My name is William R. Taimanglo.

Chairwoman P. Fejeran: Hi... Are you a resident of Guam?

Mr. W. Taimanglo: I don't know. I think so.

Chairwoman P. Fejeran: I know it sounds weird question but often we found people who have power of attorney. They give power of attorney to someone when they move off island.

Mr. W. Taimanglo: I used to be in the military.

Chairwoman P. Fejeran: Okay.

Mr. W. Taimanglo: The reason why I had my cousin handle it because he lives up there and he's working on the sister's property.

Chairwoman P. Fejeran: I see.

Mr. W. Taimanglo: I gave him the authorization to go ahead continue on in my absence.

Chairwoman P. Fejeran: Thank you.

Mr. W. Taimanglo: You're welcome.

Chairwoman P. Fejeran: Very smart.

Mr. W. Taimanglo: I know.

Chairwoman P. Fejeran: I'm not finding a Notice of Intent to Award in here but it does look like a survey authorization. I'm sorry let me just find these documents... Okay. It looks like we first contacted you in 2014 and then in February 17 we sent you a letter survey authorization for Lot 13-1, Block 8, Tract 10121 in Yigo. Okay I don't see the Notice of Intent to Award but we have to assume that was the intent.

Land Agent II J. Casem: He is a December 2 applicant. We do have some who don't have a NOIA but due to their time and date they were just issued a survey authorization.

Chairwoman P. Fejeran: Okay. Because of that we told you to go get the property surveyed. Once it's surveyed come back in and we will issue you a lease and so now you're to collect. So, thank you for getting it surveyed I know it's not a cheap investment for something to do.

Mr. W. Taimanglo: It's expensive.

Chairwoman P. Fejeran: Very expensive. Especially on the scale that you had to do it. So, you signed up on the very first day, right?

Mr. W. Taimanglo: That's right. Right?

Chairwoman P. Fejeran: Yes, it was.

Mr. W. Taimanglo: I got a question on that property.

Chairwoman P. Fejeran: Sure.

Mr. W. Taimanglo: I know I had a problem on the survey about year ago. When we continued on with the survey, we found some junk cars located within that property. Also, the easement that how am I going to park my car to clear my property? Which there is a road there and the

way I look at my property it's almost a dead pack. So, can you talk to the mayor can they remove those cars? At least put a street light there. When you look at that area it's come of a black dark place to be. There is a lot of sharp turns there. A lot of speeders like to go in there. I've seen it happen. That's why I really want to put a retaining wall from the street because of I don't want them to be running over my house, hitting one of the kids. I've seen the area. I've been there. I've seen it. Now I was asking my cousin you already scoped out the area? Yeah. So how are we going to get in and clean our property? I can't even park inside the road because it's dangerous. You know because of the speeders. It would be nice if we could get a hold of DPW at least to clear up the spacing so I can park on the side and start working on the property. The reason why I want to put up a retaining wall is I've seen a lot of wild animals cruising around. If I was to plant something there that's illegal. No, I'm just joking. I don't want wild pigs coming in there and start tearing up my property. I've seen them tear a place. There is nothing wrong with poachers with wild pigs going around.

Administrative Director J. Hattig, III: If this is an existing easement there, ma'am we can contact DPW and have it open up again, a push back.

Chairwoman P. Fejeran: And is there utilities right there?

Mr. W. Taimanglo: I believe so. I've seen some houses build there with power... and water. I'm not sure. I would have to follow up.

Land Agent II J. Casem: I did speak with Mr. Rodriguez. He did advise the adjacent neighbors to the two lots that the easement there that runs between his and the highlighted. I did advise him that he would need to work with the mayor's office because from there the mayor would do a request to DPW. And from there DPW would work with Land Management, Survey division, so that we can request to possibility to do the center lines.

Chairwoman P. Fejeran: Okay.

Commissioner A. Bordallo: We just missed our mayor.

Administrative Director J. Hattig, III: He was just here.

Mr. W. Taimanglo: I know a gal who was just telling me that was the mayor from Yigo.

Commissioner A. Bordallo: Maybe he wants to know what he can do.

Mr. W. Taimanglo: I need him to hear my concern but I guess him had to go.

Commissioner A. Bordallo: Well go see him because he will see you.

Chairwoman P. Fejeran: Okay... It seems pretty straight forward. All the documents.

Land Agent II J. Casem: Just a correction, madam chair. It's just Lot 13.

Commissioner A. Duenas: Not dash one.

Land Agent II J. Casem: Based on the survey map.

Chairwoman P. Fejeran: Okay thank you.

Commissioner A. Duenas: Motion to issue a residential lease to William R. Taimanglo for Tract 10121, Block 8, Lot 13 in Yigo.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded... I'm sorry just a follow up question. Mr. Taimanglo do you own property anywhere on Guam?

Mr. W. Taimanglo: Property? No. I got. I guess my... No, I didn't own it. I brought a property from my aunt's sister, I mean my mom, my dad when they passed away. Their house was in foreclosure. So, Shen's Furniture brought the property. So, what happen is. I guess my sister asked me if I wanted the property and I said no I don't want the property. Come on. Okay so

we had to go and purchase. You know make loan to purchase the property just to get the house. That's it. That house is for my son. It's my son's property I mean house. I always passed it on to the youngest one. Dan owes the property now.

Chairwoman P. Fejeran: Okay so you do not own property.

Mr. W. Taimanglo: No, I don't.

Land Agent II J. Casem: So, it's not under your name.

Mr. W. Taimanglo: It's under my name because I made the loan. The house is under my name. It's going to be passed down to my son [Inaudible]

Land Agent II J. Casem: So, based on priority status we wouldn't be able to award Mr. Taimanglo a residential, however we can request for a change of lease type. However, it will change meaning you would have to be farming two thirds of the property. You are still able to put a structure on it however the types of things on the property would be more towards farming.

Administrative Director J. Hattig, III: If Mr. Taimanglo would be willing to part with the property and make sure it is in the son's name it wouldn't be his property anymore, right? Correct?

Land Agent II J. Casem: Yes. It would be a transfer [Inaudible]

Administrative Director J. Hattig, III: I don't think we would be able to do that unless he can show that he is priority one. So that could be another if you don't want an agricultural property. In order to maintain your request for a residential lease you would have to transfer your interest in that property so that we can make sure you are.

Mr. W. Taimanglo: Transfer it to my son you mean?

Administrative Director J. Hattig, III: Correct. So, would that be feasible to you?

Mr. W. Taimanglo: Yeah.

Administrative Director J. Hattig, III: I submit to the Board if they were to do that subject to the issue the lease subject to. I won't consummate the lease anyway. I wouldn't have been able to issue it. Even if you did issue it, I would wait until the necessary transfers are in effect, before we could actually consummate the lease. So that's determination for you to make.

Chairwoman P. Fejeran: I think I would prefer to come back to this case and have documents in hand that Mr. Taimanglo is a landless applicant if the commission is okay with that. I think what. I think the only reason would be willing to wait for you to do that because you have already made a substantial investment into the property. We would be willing to wait for you to be landless and award you a residential lease.

Mr. W. Taimanglo: Does that mean I cannot build anything or?

Administrative Director J. Hattig, III: Well at this time what it means is that we cannot issue you a lease because you are priority two. You own property, technically it's in your name. So, once you get that property transferred to your son you would be priority one and then we can issue you the lease for the residential. Then you can build after that.

Mr. W. Taimanglo: Okay so what I need.

Administrative Director J. Hattig, III: You need to make the necessary legal arrangements to transfer the property to your son.

Mr. W. Taimanglo: But it's under my wife's name too.

Administrative Director J. Hattig, III: Is that an issue?

Mr. W. Taimanglo: Yes, it's going to be an issue with me because that's the reason why I'm asking to build is we're not really... We're trying to do this thing and the property that was converted to a business. She made her own business on that property. It's child care center. Yes, it's converted from a residential to a business.

Administrative Director J. Hattig, III: Would he be able to sell his interest or?

Legal Counsel N. Toft: Deed away.

Administrative Director J. Hattig, III: Deed away his interest.

Mr. W. Taimanglo: So right now, I'm staying at her side of the family. I'm kind of having difficulty with her. So where am I going to go. I can't go to the business and that's the reason why I'm pursuing this. So, I can build my own and be on my own location.

Administrative Director J. Hattig, III: You're not a partner in the business in any way, shape or form?

Mr. W. Taimanglo: Well I'm just like... When you look at it everything is for her, you know. I know you're not involved with this not even one bit of a share have I been given. That's the reason why I wanted to build this property in Yigo so I can pursue with my lawyer this thing. Right now, I can't do anything. I've got no place to stay. I got a lot of my equipment, my stuff, and my personal items over at her property and I need to move it out before it gets down deeper to the situation where I'm in now. Where am I going to stay?

Administrative Director J. Hattig, III: What do you think?

Legal Counsel N. Toft: He might be able to quit claim his part of the interest.

Land Agent II J. Casem: Or he could do the switch of application type.

Mr. W. Taimanglo: This is the first you've encounter, right. Right?

Administrative Director J. Hattig, III: Well maybe not the first time, but it certainly is a unique situation. So, I think the options...

Land Agent II J. Casem: If you switch to agriculture you would be farming two-thirds of the property but you can still build. You would be farming as well.

Mr. W. Taimanglo: Okay.

Administrative Director J. Hattig, III: Is that something you wish to make today or take some time to think to make the decision?

Mr. W. Taimanglo: I just want to get out of her place. I just to continue with my life. Build my own on my property. Continue on. You know.

Administrative Director J. Hattig, III: Is that your official request today? To switch your application type to agricultural?

Mr. W. Taimanglo: I don't know. I never asked for agricultural. I wanted residential.

Chairwoman P. Fejeran: The only way we could give residential is if you owned zero property. Zero.

Administrative Director J. Hattig, III: You're saying you don't own it but in the eyes of the law you are a part owner of it. So, the option is quick claim deed your portion of that property to whoever so you could maintain the priority one that's landless. Then we would be able to issue you the lease or request to change your application to agricultural at which time there is no priority. We could issue you the lease an agricultural lease. We must advise you that agricultural portions much follow through. It requires an actually compliance to it. If you're not able to financially or even physically to conduct an agricultural lease we don't suggest you enter into an agricultural lease if you are unable to do it. Because you are going to come into

issues down the road and you are going to appear before the commission again. Because you are not farming or unable to farm.

Mr. W. Taimanglo: Yes, I'd like to farm.

Administrative Director J. Hattig, III: Okay.

Mr. W. Taimanglo: That's all we do farm. That's why I was asking residential I just wanted my own privacy. If that's the case you want me to use it as a ranch.

Chairwoman P. Fejeran: You can build a home there. It could be your primary residence but the rest of the property would be farmed.

Mr. W. Taimanglo: Okay.

Land Agent II J. Casem: Request to do a change of application type from residential to agricultural for Tract 10121, Block 8, Lot 13.

Commissioner A. Duenas: So, motion to change application type from residential to agricultural.

Commissioner A. Bordallo: I second it.

Chairwoman P. Fejeran: Motion made and seconded. Further discussion?

Administrative Director J. Hattig, III: I just want make sure we work together with Mr. Taimanglo to develop his farm plan and submit to the commission and agency. We will help you out with that.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye

Chairwoman P. Fejeran: The ayes have it. Now Mr. Taimanglo will take an agricultural application.

Commissioner A Duenas: Motion to issue an agricultural lease to William R. Taimanglo for Tract 10121, Block 8, Lot 13 in Yigo.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Seconded. Any discussion?

Commissioners: No.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: Okay the ayes have it. Mr. Taimanglo so we just approved an agricultural lease for the property you surveyed and I just want state for the record that I believe that the Commission made these decisions because of the hardships that Mr. Taimanglo presented and the substantial investment him put into the property already with the survey. I think moving forward I feel very uncomfortable making these switches from residential to agricultural because the point of the program of the residential program to get landless CHamoru on property that they can build a home on. When we get to them, they even up having a bunch of property they just switch to agricultural that's fine as long as they are really going to be using the land for that purpose. I would urge you Mr. Taimanglo to comply with your lease once you receive it so that you can live on that property in perpetually.

Mr. W. Taimanglo: Thank you.

Chairwoman P. Fejeran: Thank you.

Land Agent II J. Casem: Can we proceed with Linda Rodriguez? She's right next door to him. Unless you want to wait until the POA is here?

Chairwoman P. Fejeran: Is she here?

Land Agent II J. Casem: The POA has left. He had to pick up his children.

Chairwoman P. Fejeran: Is there anyone on our list that is here?

Roland Sablan

Land Agent II J. Casem: Yes, we have Mr. Roland Sablan.

Chairwoman P. Fejeran: Okay let's do that.

Mr. Roland Sablan: Good afternoon, Roland Sablan.

Chairwoman P. Fejeran: Thank you for your patience to get to your case.

Land Agent II J. Casem: So, before you we have Mr. Roland T. Sablan. He is coming before for a request for a loan guarantee and a building permit. So, all the proper documents are behind the staff report including the Guam Housing Pre-approval loan as well as his contractor's agreement and also building plans for his home.

Chairwoman P. Fejeran: Okay thank you Jhoana. Mr. Sablan you signed a residential lease back in 2012.

Mr. R. Sablan: Yes ma'am. I was relocated there because the property that I was occupying is going to be used for low cost housing or something like that.

Chairwoman P. Fejeran: Okay... So, this is the new property that you were awarded. You have the lease. And now you are coming before us to approve and guarantee the loan from Guam Housing Corporation.

Mr. R. Sablan: Yes ma'am. I've been thinking positive for the past two years, being a single parent.

Chairwoman P. Fejeran: Okay. I appreciate you using the property and going through the channels of Guam Housing. I've had a chance to look through these documents they look pretty standard. Nothing out of the ordinary at least from my review. Legal Counsel, have you reviewed these?

Legal Counsel N. Toft: Yes ma'am. I did look them over.

Chairwoman P. Fejeran: They look good? Okay this would be. This looks like a very nice home for your future.

Mr. R. Sablan: For my kids yes.

Chairwoman P. Fejeran: That's wonderful. Mr. Sablan you currently do not own land anywhere. Is that right?

Mr. R. Sablan: I wish I did. I would be on that property. Fortunately, I'm happy that I do have at least a small portion.

Chairwoman P. Fejeran: Yes. This is what the Land Trust was set up for landless Chamoru as defined by the law. For those that are landless to be able to get property and build a home.

Mr. R. Sablan: Yes ma'am. Thank you.

Chairwoman P. Fejeran: I'm glad you're well off to realizing that dream and making it a reality... Are there any other questions?

Commissioner A. Duenas: No... If we could just motion to provide.

Chairwoman P. Fejeran: Would we be guarantying the loan? It would be a loan guaranty and an approval of the building permit.

Land Agent II J. Casem: Yes, it's for Lot 13, Block 13, Tract 9210. I'm sorry.

Chairwoman P. Fejeran: That's okay. Lot 13.

Land Agent II J. Casem: Block 13, Tract 9210.

Chairwoman P. Fejeran: Is that it?

Land Agent I J. Gumataotao: Yes.

Chairwoman P. Fejeran: Is there access to the property? [Inaudible]

Commissioner A. Duenas: Motion to approved building permit and loan guaranty for Lot 13, Block 13, Tract 9210 for Mr. Roland T. Sablan.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded. Further discussion?

Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it. Mr. Sablan the CHamoru Land Trust guaranties the loan with Guam Housing Corporation. Should you default on the loan then we would be forced to pay it and evict you. Okay, but I trust that you wouldn't do that.

Mr. R. Sablan: No ma'am.

Chairwoman P. Fejeran: Okay.

Land Agent II J. Casem: Building permit madam?

Chairwoman P. Fejeran: I believe that was part of the motion. That was all together [Inaudible]

Mr. R. Sablan: One question.

Chairwoman P. Fejeran: Yes.

Mr. R. Sablan: The only permit I can't get is waterworks. They seem to have a problem putting water in that area [Inaudible] that is a transmission line behind that property over by the road there. But according to GWA you can't put a meter there [Inaudible]

Administrative Director J. Hattig, III: Did they say why? Did they say why you can't put a meter there?

Mr. R. Sablan: Something about chlorine [Inaudible] I'm not an engineer.

Administrative Director J. Hattig, III: I'll work with Mr. Sablan and see what GWA is requiring on that particular aspect.

Chairwoman P. Fejeran: Okay.

Mr. R. Sablan: As far as I know the lot to the left on the corner there. The gentleman that lives on that corner there, his line is hooked into that transmission line.

Administrative Director J. Hattig, III: Right.

Chairwoman P. Fejeran: Okay but why can't [Inaudible] I'm hopefully that can happen.

Mr. R. Sablan: I do have power at the moment.

Chairwoman P. Fejeran: Okay but...

Mr. R. Sablan: As for water I've been begging.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: Let's meet sir. Okay. Schedule an appointment and I'll figure it out. Help you fix that.

Mr. R. Sablan: Appreciate that.

Administrative Director J. Hattig, III: Thank you.

Chairwoman P. Fejeran: Thank you Director.

Mr. R. Sablan: Thank you very much.

Chairwoman P. Fejeran: Thank you Mr. Sablan.

Rosita Mahoney

Land Agent II J. Casem: And lastly requesting for Ms. Rosita Mahoney, she was unable to come due to medical reasons.

Chairwoman P. Fejeran: Okay.

Land Agent II J. Casem: So, Ms. Mahoney was the original applicant. This was one of the switch and transfer with Regine Ms. Regine Biscoe Lee.

Administrative Director J. Hattig, III: Yes.

Land Agent II J. Casem: So here it was reverted.

Chairwoman P. Fejeran: So, she was... So, it was a switch and transfer.

Land Agent II J. Casem: Yes, switch and transfer.

Chairwoman P. Fejeran: And on the null and void list.

Land Agent II J. Casem: Yes. On June sixth the Board went ahead and approved the reversion back to Ms. Rosita Mahoney.

Chairwoman P. Fejeran: Okay.

Land Agent II J. Casem: So, before you today we are requesting for an agricultural lease issuance based on her completed survey 165FY2017 recorded with land management under 906951 and we have the map attached to the back of the page.

Chairwoman P. Fejeran: Okay. Ms. Mahoney is aware of the requirements?

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: For agricultural leases?

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: It's another one of those cases where there was a lease already issued.

Land Agent II J. Casem: No actually it was also part of the pre-moratorium listing never completed by the lease. So, it was never signed so it fell under that catalogue of pre-moratorium. But we did the reversion first to the original applicant and then before you we have the original applicant requesting of it now.

Chairwoman P. Fejeran: Okay. So, she fulfilled the survey requirement.

Land Agent II J. Casem: Yes.

Chairwoman P. Fejeran: Invested in the property... Is looking for the lease.

Commissioner A. Duenas: Motion to issue agricultural lease for Rosita Mahoney for Lot 5382N-10 in Barrigada.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I Second it.

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

Commissioners: No.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Okay then. Thank you. So, I still have Bernie Antonitte Cruz Ranque.

Land Agent II J. Casem: I believe Jessica will present it.

Chairwoman P. Fejeran: Since you're there do you want to do Rodriquez?

Land Agent II J. Casem: Sure.

Linda Rodriquez (POA Daniel Rodriquez)

Chairwoman P. Fejeran: Linda Rodriquez.

Land Agent II J. Casem: We also requesting for lease issuance. I did not find her on the tax roll. So, she is priority one. She is also requesting for a lease issuance under the same FY as Mr. Taimanglo. Under 135FY2018 recorded under 932690. She is a December 2, 1995 applicant.

Chairwoman P. Fejeran: So again, this is one of those cases where we basically issued a Notice of Intent to Award or a survey authorization. Told her to go get it surveyed and get the map recorded then we will issue the lease [Inaudible] and she is priority one. I saw that she is priority one on her application but you checked the updated.

Land Agent II J. Casem: Yes.

Commissioner A. Duenas: Do you have any questions?

Chairwoman P. Fejeran: I don't have any questions.

Commissioner A Duenas: Motion to issue a lease for Linda Barbara Rodriguez for Tract 10121, Block 8, Lot 13-R1 Yigo.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded. Further discussion?

Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Thank you.

Bernie Antonitte Cruz Ranque

Chairwoman P. Fejeran: Right then I think this is last on our considerate. Bernie Antonitte Cruz Ranque.

Land Agent I J. Dayday: Ms. Ranque is unable to make due to health conditions.

Chairwoman P. Fejeran: Okay.

Land Agent I J. Dayday: She's requested for an authorization of building permit authorization.

Chairwoman P. Fejeran: Okay I see she has a lease, residential lease at Lot 25, Block 11, Tract 10316 in Dededo about half an acre. It was signed on May 15, 2017.

Land Agent I J. Dayday: She surveyed her property.

Chairwoman P. Fejeran: The property was surveyed and now she's ready to build. What is the building permit authorization for?

Land Agent I J. Dayday: So, she was originally on 10125 when she was first issued a lease. She requested to be relocated due to infrastructure. There was no water and power access. She had a container house on that property and it's still on that property, 10125. So, she requesting a building permit authorization so that she can move the container to the property, Tract 10316, Lot 25, Block 11. Also, GWA is requesting for the building permit.

Commissioner A. Duenas: Okay.

Chairwoman P. Fejeran: The land trust does not issue building permit. We give authorization.

Land Agent I J. Dayday: Correct.

Chairwoman P. Fejeran: Was her request ever submitted in writing? Or was it she just came in and asked to get authorization to move her container home onto her property?

Land Agent I J. Dayday: Yes, she just came in and made the request. She had a second addendum done. After she surveyed the property the one that she relocated then she made the request to move that container from the old property to the new one however, she was told that she still needed the building permit to move the container.

Chairwoman P. Fejeran: Okay.

Commissioner A. Duenas: Motion to issue building permit authorization to Ms. Bernie Antonitte Cruz Ranque at Lot 25, Block 11, Tract 10316 in Dededo.

Chairwoman P. Fejeran: Motion made. Do I hear a second? Further discussion?

Commissioner A. Santos: I second it.

Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Okay the ayes have it. Right.

Land Agent I J. Dayday: Thank you.

Chairwoman P. Fejeran: Thank you.

Administrative Director J. Hattig, III: Good job Jessica.

Chairwoman P. Fejeran: Yes. Awesome... I think that was twelve leases we issued today. Good job guys.

Commissioner A. Santos: Next time twenty.

Chairwoman P. Fejeran: Do it.

2. Commercial Leasing

a. DOAq and BSP request for designation of conservation areas

Chairwoman P. Fejeran: Next up is commercial leasing under new business. Department of Agriculture and BSP request for designation of conservation areas. I'm assuming that is what this is.

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: For references.

Administrative Director J. Hattig, III: Yes. The Acting Director of the Department of Agriculture.

Acting Director of Department of Agriculture Joe Mafnas: Can I share of this? I had to print out more of this background information for the members [Inaudible] Can I get of this for my records?

Administrative Director J. Hattig, III: Sure [Inaudible]

Chairwoman P. Fejeran: Hello gentlemen! Welcome if you could just state your names for the record.

Acting Director of Department of Agriculture Joe Mafnas: Joe Mafnas, Department of Agriculture, Forestry division chief. At the moment I am the acting director while our director, Chelsa Muna-Brecht, is off-island. I want to apology for her absence.

Chairwoman P. Fejeran: Thank you.

Chief of Aquatics and Wildlife Celestin Aguon: Good afternoon. My name is Celestin Aguon. I am the chief of the division of Aquatics and Wildlife Resources.

Acting Director of Department of Agriculture J. Mafnas: Should we just start?

Chairwoman P. Fejeran: Yes please.

Acting Director of Department of Agriculture J. Mafnas: Thank you very much for your time, members. I appreciate your time and consideration for our presentation today. Just to get to the point, in 2012 there was a legislation that was passed Public Law 31-173 that is that establish the Guam's Forest System. Along the same lines as the National Forest System our division is responsible for the protection and enhancement of our natural resources. In the packet you will see pictures of some of our project sites that we are currently engaged. We managed the [Inaudible] station area, Tarzan falls that is about a forty-year project. That is about 500 acres of re-forestry that we've been doing. In 2015 we expanded our footprint to the Merizo's watershed program. That is the Quinene road area. That place is all grasslands and is prone to fires every year that's across the Achang bay Marine reserve. My understanding there is one or two coral there the last of its species. So, they are unique. You got soil erosion. You got flooding. In the rainy season you've got sediment that goes in there. This whole presentation is to address so of these issues. In 2008, the legislature or GPA was mandated to do their alternate energy so part of that was installing a wind turbine. That is where our wind turbine area is on cross-island road. This requirement was the reason why the Guam Forestry System was created and how to protect these natural resources, these conservation areas as natural reserves from those pressures. Those areas that you see there have been conservation areas for many years. There are twelve tracts of government properties that we are looking at. Primarily down south where in the mountains and things like that. So, the access is quite difficult and some areas up north. There are a handful of locations up north. So, for the Board's consideration we have to do a little bit more research for what tracts fall under the land trust jurisdiction. These are just a list that we know of. Obviously we don't know all the land ownership as far as land management and land trust. So that is what we are here to do is present to you our proposal and continue to work with land management and its personnel to hone into the land ownership, the lot numbers and locations. There is one other thing that we would like to look into we made a request to elaborate more on that. There is an area in the footprint of our department. That is a property that we will be requesting to be put under our jurisdiction.

Chief of Aquatics and Wildlife C. Aguon: Good afternoon. First of all, I would like to apologize. I am a little under prepared for the meeting. Just elaborate on what Mr. Mafnas mentioned. The division has been on a recovery of endangered species for quite a few years. There has been much of the recovery of the Koko. That particular project has been expanded even into Cocos Island. We have some birds in that regard. We have a captive breeding program that includes property as Joe has mentioned in the main compound of the agriculture. What causes us concern is that we have a bunch of captive breeding cages that we are utilizing for this endeavor. But it concerns us that property is in the question now as to who owns it. Who has control over it? What we want to do is to solidify that under the Department of Agriculture for its captive breeding project and do that in one fell sweep in as far as moving it to the Department of Agriculture for all the reasons Mr. Mafnas has mentioned but also, for the captivity program that we have been tasked with and that I've been in charge with for quite so time. That would help us in this regard and starve off any future attempts to cause question. What we want to be sure that when we go to the federal government in this regard, we can actually be sure that the property is ours. That is in question, it is ours, in our inventory, in our jurisdiction and in our control. Just to elaborate our program under sports restoration and

wildlife restoration has already probably I would say past few years given Guam over two million dollars in programs that we have been in charge. So, we don't want to put that in any jeopardy. Joe, Mr. Mafnas, knows that we looking to even the conservation lands to be venues for these releases. And once we move in that regard, I think, in that direction we will be looking at the restoration of the Ko'ko. There are many things we got to fix like the brown tree snake control but like I said in our meeting. We keep having meetings. We had a meeting with the Ingrate Natural Resources Management Plan with DOD. We just concluded our last meeting this morning. What I emphasizes with them is that I'm concerned that we are not in the business of extinction. We are in the business of recovery and that is what our mission is. That is how we are proceeding. Thank you.

Chairwoman P. Fejeran: Thank you. Mr. Aguon.

Acting Director of Department of Agriculture J. Mafnas: Yes.

Chairwoman P. Fejeran: I'm glad you brought up what our trustee sees as an encroachment by the Department of Agriculture. I believe this came up two and half years ago. There was a proposal for some kind of land swap and it went nowhere. Now we are in the same spot. I think this is something that we need to open up, look at and resolve once and for all. Especially considering the grants and money that you bring to the island. At the same time, we need to make sure we are protecting the interest of the trust by not giving away land and losing inventory. That would be my point. Mr. Mafnas I am unclear on these site proposals. This is the overall Guam Forestry System proposal or is this a land trust proposal?

Acting Director of Department of Agriculture J. Mafnas: No this is Public Law 31-173. We want to work with Land Management and land trust to identify these tracts of land. This is just a list that I came up with from what I know from the past.

Chairwoman P. Fejeran: I see.

Acting Director of Department of Agriculture J. Mafnas: Again, it's in coordination with Land Trust and Land Management.

Chairwoman P. Fejeran: So Public Law 31-173 tasked you to work with these departments. I see you're coming to us to say "Here, we're going to get this project started" I guess that you are informing us of the project and there is going to be more to come.

Acting Director of Department of Agriculture J. Mafnas: Yes ma'am.

Chairwoman P. Fejeran: Okay.

Acting Director of Department of Agriculture J. Mafnas: It's just letting the Board know what the situation awareness. When we finalize all the tract names and numbers we will come and do the actual request for your consideration. We do understand. We met with Director Hattig regarding this issue. He mentioned and it was brought up about not losing land inventory. Obviously, we are empathic to that issue and that is why we identify areas that are already conservation areas back in the seventies or what have you. These mountains are areas that are very challenging as far as installation of any infrastructure. If you have a request for water service it is going to cost in the tens of thousands to run the waterline up there. We put some thought into it. Some of these areas in the southern region because of the grass there are fires. In the northern area there are high valued limestone forest areas. This has nothing to do with the military. This is a locally driven initiative. We felt that as natural resource officers this is important to set these areas aside for now and the future. We can't promote Guam as an island and have just concrete. We have to have balance.

Administrative Director J. Hattig, III: I did meet with representatives of BSP and Department of Agriculture initially when they presented their plan. That was the initial concern that I raised was the transfer of lands out of the trust's inventory. I am committed to developing a strategy to leverage for infrastructure resources for our lessees. If we can do anything in that area, I think it would be a worthwhile venture to consider. What I was talking about was any or all funding to set aside for infrastructure adjacent to these areas, close to these areas. All funding that would be coming in to maintain these areas could be used to assist in opening up access to these areas for infrastructure within reason. Most of those areas, conservation areas, are places where you wouldn't want to build a home. I wanted to bring up to the board that I did meet with them and brought up my concerns. They requested to present to the board.

Chairwoman P. Fejeran: I think this is a great meeting, a great first step to working together. Basically, preserve and conserve the land and maybe enhance it. It sounds like we would enhance the properties and make sure there is no soil erosion happening and preventing the wildfires and such.

Acting Director of Department of Agriculture J. Mafnas: What you see in those pictures we started that re-forestry work in 2015. As of today, those trees are twenty to fifty feet tall. They are non-natives. They're acacias trees. We use them as nurse crops to build the soil back up. Fires can still go through them but they are tolerant to fires. They are like pinecones when fires go through them the seeds are dropped and stimulated. The outer areas are burnt but the following generation there are thousands of seeds coming up. They create a buffer soil. It continues to propagate even after a fire. This is not the end stage that we want to be at. We want to re-introduce native trees, animals, birds and what have you. That's the work that Celestin does and it all comes together. For recovery my understanding is any recovery whether its plants or animals you need certain types of habitats and a forest in order for them to thrive. That is something that within reasons we need to plan for home ownership.

Chairwoman P. Fejeran: Yes. I thank you. I think this is something valuable and for the trust it's and for the larger island community. I'm really eager and interested to see where we can take this. I appreciate that you recognize that we have to keep our beneficiaries' interest in mind. I'm talking about the landless CHamoru who need homes to build, agricultural properties to farm or ranch. I appreciate that you understand that and you will consider that as you build your proposal as you get all that going.

Acting Director of Department of Agriculture J. Mafnas: Thank you.

Administrative Director J. Hattig, III: Thank you sir.

3. Proposed Comprehensive Agency Standard Operating Procedures

Chairwoman P. Fejeran: So next under new business is the proposed comprehensive agency standard operating procedures.

Administrative Director J. Hattig, III: On the fourteenth I did email the Commission the proposal simple format for the... We don't have that because its sixty-five slides long. What our intent was introduce it to you for review and to put it on the agenda so that we can say that we delivered on the request to provide for one.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: It was sent to you electronically for review in the hopes. In the next meeting you would have comments.

Chairwoman P. Fejeran: We would have comments for it.

Administrative Director J. Hattig, III: For that one-month period until the next meeting if you want to place it on the agenda. We can retool it. There are a lot of things that we found out today that really haven't been added. I wanted to meet that caveat. We address the things that you asked for in May. We did address change of application type. We did address some of the more fundamental requests there were done by the board. I'm very happy to say it was a collaborative effort, the staff to provide that for you. Take the time to review the format that was provided for you. Basically, that is something that we want to package for our lessees. Once we have that we want to do that. We're going to transform it into word form. It has sections in it, forgive me a legal form. So, you can provide substance to it. Should you like to adopt it then we can put into effect. Currently we are abiding by all the statues, all the rules and regulations. Anything that is proposed in there that is listed as proposed it proposed. That is what it is. We don't take liberties with our practices. It is only what is here in the law. So, anything that says proposed that is not being done currently. It is our recommendation. If you can provide us with some guidance or recommendations, we can go from there. Please take the opportunity to look at it and stay in communication with us. We will retool it so hopefully we can have a finish product by the next meeting.

Chairwoman P. Fejeran: Thank you Director and staff [Inaudible]

Administrative Director J. Hattig, III: I apologize at the time we sent it out... I will make sure we send it to Commissioner Bordallo.

Chairwoman P. Fejeran: I apologize. I didn't see that email come in but I'll look.

Administrative Director J. Hattig, III: I sent the email out on Monday. Originally, I wanted to send it on Friday but we had some challenges. I said first thing Monday and I'd shot it to you guys.

Chairwoman P. Fejeran: Okay. Thank you for that. So, commissioners we have a lot of homework next month. We'd got to look at that SOP.

Administrative Director J. Hattig, III: Sixty-five slides.

Chairwoman P. Fejeran: We also have at least two or more minutes we need to review before the next meeting. So, let's make sure we're on top of that.

Administrative Director J. Hattig, III: It's for agricultural and residential only. Yes, that does not cover commercial leasing which is covered in 33-95. We will provide you with SOP for each as we move forward.

Chairwoman P. Fejeran: Thank you.

VI. FINANCIAL REPORT

Chairwoman P. Fejeran: So next on our agenda is the financial report. I know that in our packet we had the usual report.

Administrative Director J. Hattig, III: Yes, and there was an addendum to it. The CHamoru Land Trust Staff Report is an addendum. I would like to call forward our Program Coordinator extraordinaire money man Mr. Joey Cruz.

Chairwoman P. Fejeran: The real Joey Cruz.

Administrative Director J. Hattig, III: The real Joey Cruz.

Chairwoman P. Fejeran: Just kidding Mr. Cruz.

Administrative Director J. Hattig, III: There is another Joey Cruz back there?

Chairwoman P. Fejeran: Okay. How are you doing?

Program Coordinator III J. Cruz, Jr.: Good afternoon managers, Board members, Director and Legal Counsel. Before I get into the CHamoru Land Trust funds report I would like to request for a resolution similar perhaps the same as resolution 2018-03 be considered. It is to change the signatories of the Bank of Guam account. The current signatories that are listed are Chairwoman Fejeran and former director Mike Borja. We need to update the signatories.

Chairwoman P. Fejeran: Yes, let's do that. Do we need to pass a motion to update the signature box?

Program Coordinator III J. Cruz, Jr.: It was created through a resolution so we would need a similar format.

Administrative Director J. Hattig, III: We can prepare that for you ma'am.

Chairwoman P. Fejeran: But we can pass the motion now, right and then it would be memorialized for the resolution?

Legal Counsel N. Toft: Yes.

Commissioner A. Duenas: Motion to change the signatories from Pika Fejeran and former administrative director Mike Borja to Chairwoman Pika Fejeran and Administrative Director Jack Hattig.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Bordallo: Seconded.

Chairwoman P. Fejeran: Seconded. Further discussion?

Commissioners: None.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: So that motion will be memorialized and resolution to be signed based on the motion passing.

Administrative Director J. Hattig, III: For your signature sir [Inaudible]

Chairwoman P. Fejeran: Thanks Joey.

Program Coordinator III J. Cruz, Jr.: Now we get into the CHamoru Land Trust fund staff report. The CHamoru Land Trust has a total of eight funds. Out of the eight funds, five have been classified as inactive funds. Our recommendation related to the inactive funds is what the OP had issued on March 2019 the Office of Public Accounting issued a report, 19-02 titled Department of Administration Special Revenue Funds performance audit October 1, 2012 through September 30, 2017 that report looks something like this. The report required recommendations related to CLTC had five inactive accounts mentioned to be consolidated by the Guam Legislature. As of today, no legislative action has been taken relating to the accounts.

Chairwoman P. Fejeran: Okay. The Public Auditor recommended because they are inactive, we combine them into one fund.

Program Coordinator III J. Cruz, Jr.: Yes ma'am.

Chairwoman P. Fejeran: By now this one fund will have five purposes.

Program Coordinator III J. Cruz, Jr.: Yes ma'am. The CHamoru Land Trust operations fund is what funds our day to day operations. The majority of these funds that were created have similarities. Like the CHamoru home loan fund, the CHamoru home repair fund, the CHamoru home development fund. There are only fourteen of us including the director. If we get into

the business of lending money, we are going to need to expand in at least personnel. Administratively, financially it is just myself and an assistant.

Chairwoman P. Fejeran: These funds were created through the CHamoru Land Trust act?

Program Coordinator III J. Cruz, Jr.: Yes madam.

Chairwoman P. Fejeran: But they been inactive which means we never used them.

Program Coordinator III J. Cruz, Jr.: We have no funding source.

Chairwoman P. Fejeran: And no funding source.

Program Coordinator III J. Cruz, Jr.: And there no funding source coming.

Chairwoman P. Fejeran: The recommendation consolidation, I'm just wondering if the Commission were to vote and pass a motion and the Legislature goes through and actually passes the bill. What does that mean? Does the Act need to get amended because all of those funds are listed? How does that... I think the Act was set up that is, in the future those funds are created for future use. We have not gotten there yet but if its consolidated, does that mean we could not do those things in the future?

Program Coordinator III J. Cruz, Jr.: If its consolidated, I believe through public law would itemize what the fund is restricted to.

Chairwoman P. Fejeran: It would include all five.

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

Chairwoman P. Fejeran: And it would be easier to manage one inactive fund than five inactive funds.

Program Coordinator III J. Cruz, Jr.: Not really because there is no activity we don't monitor.

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz, Jr.: It's just less.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: That's how we do the audits. It shows up as five inactive funds every time we do an audit. For audit purposes that's why the recommendation was for consolidation so it would be one inactive fund. Because we don't want to have audit opinion. We want to have a clean audit. This is what helps us get there.

Chairwoman P. Fejeran: Is there anything in the OPA report that expounds on the recommendation.

Program Coordinator III J. Cruz, Jr.: I don't know but I can do further research.

Chairwoman P. Fejeran: I'd appreciate it. I just want to make sure we are not cutting off our foot when we could walk later.

Administrative Director J. Hattig, III: More like an appendix. Cutting off something we don't need but I understand.

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz, Jr.: Now we get into the active funds. Out of the eight there are three active funds. The first fund is the CHamoru loan guaranty fund. Its funding source is the payment of taxes and the interest earnings in the bank account. Our concern with this account is at the end of 2018 and beginning of 2019 all the revenue has been recorded as a receivable. In other words, in our books or even is the AS400 it is recorded as a due fund from the general fund. So, the only money that has been deposited into the bank is the fifteen cents from the interest earned. I think but don't quote me. I think.

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz, Jr.: In reaction to our monitoring of the account, a letter dated August 9, 2019 was sent to DOA director Birn requesting to deposit funds into the account. As of today, we have not received anything.

Chairwoman P. Fejeran: Okay, but we've gone on record saying money is due, please deposit.

Program Coordinator III J. Cruz, Jr.: A copy of the letter is attached.

Chairwoman P. Fejeran: It's in there. Okay. Thank you... That is a hundred forty sixty thousand one hundred sixty-three dollars and fifty-nine cents owed to the loan guaranty fund. And then another two seventy-four thousand four hundred sixty-seven and twenty-five cents for the survey and infrastructure.

Program Coordinator III J. Cruz, Jr.: Yes, ma'am as of August 8, 2019.

Chairwoman P. Fejeran: And that is just for fiscal year 2019.

Program Coordinator III J. Cruz, Jr.: And 2018.

Chairwoman P. Fejeran: And that is...

Administrative Director J. Hattig, III: It is combined effective for 2018 and 2019, the end of 2018 and the beginning of 2019.

Chairwoman P. Fejeran: Okay. I see. Okay

Program Coordinator III J. Cruz, Jr.: The next active fund is the CHamoru Land Trust Survey and Infrastructure fund. It's funding sources come from commercial leases and licenses executed after October 2015. Although at the year end September 2020 its funding source will end and all the commercial leases and licenses executed after October 2015 will be deposited into the CHamoru Home Loan Fund and there after.

Chairwoman P. Fejeran: Okay.

Program Coordinator III J. Cruz, Jr.: All other funding sources are the interest, agricultural and residential lease payments and sales of land pieces. Although this fund has the same concerns as the Loan Guarantee Fund as the revenue earned has been recorded as receivables. As you mentioned in the letter to Director Birn it has overstated the amount as of August 2019.

Administrative Director J. Hattig, III: What happens here Madam Chair is remember the sale of fractural lots through the legislation. All that money was deposited into the Treasurer of Guam. It became part of the daily cash flow of the Government of Guam. It did not actually go. That is why when you keep asking for the balance of the Survey and Infrastructure fund, we give you two thousand dollars. None of it makes it back into where it is supposed to be. Asking for control of these deposits to our accounts would really give you when you ask for the balance as of when you deposited. Right? That is what we are hoping we could ask the Commission for its support to really have control over our accounts. This is the only account; the survey and infrastructure and operations are the only ones that we can control, right Joey? That we can actually appropriate from.

Program Coordinator III J. Cruz, Jr.: The survey and infrastructure funds doesn't need any appropriation approval.

Chairwoman P. Fejeran: Is that where my signature comes in?

Administrative Director J. Hattig, III: Yes. So, we can do so of the surveys that people are asking us for. But I am consistently telling them that at this time we have to work with land management to try to funnel it into their system of which Director Borja has been thoroughly helpful in continuing that process for us. He has demonstrated his willingness to continue that process for us after the new fiscal year even after we've separated. I am asking for the

consideration of the Commission to really review this and ask for control over our accounts. So that we can actually move and really make progress on the issues and priorities that you have outlined at the beginning of the new year from when I came on board.

Chairwoman P. Fejeran: So, I am right to assume that if the Land Trust that those commercial leases and licenses that were executed after 2015 gets deposited into the Land Survey and Infrastructure Fund? But in September of next year they're going to stop coming in there. They're going to rerouted to the CHamoru Home Loan Fund. So, the only money coming into this fund, would be the interest, agricultural and residential lease fees and the sale of government land?... Okay... Our third active account.

Program Coordinator III J. Cruz, Jr.: The third active account is the CHamoru Land Trust Operations Fund which funds our day to day operations. The funding sources for this fund is application fees, interest, commercial leases and licenses executed prior to October 2015. Although this account there is a concern. Our concern is the financial stability of the CHamoru Land Trust Operations Fund. There is a graph in your packet. This is our initial projections. It reflects that by 2026 if maintain the current course in 2026 the fund will not have any money. We were conservative in so far as the expenditures projections its only two percent increase per fiscal year. The revenue that they will be generating from 2020 to 2026 is not sufficient. We have been operating at a deficit for the past three years. In others words we have been spending more than we been earning yearly. The difference has been taken away or bleeding away our money in the bank. So, by 2026 we projected we will not have enough money. We will be in the negative. Our recommendations to address that concern is the first one is to amend section 4.0 Public Law 33-102 to read 'deposit funds into the CHamoru Land Trust Operations Fund. Initially this section reads that any agricultural or residential lease payments will be deposited into the Chamorro Land Trust Survey Fund. An amendment to that section will redirect agricultural and residential lease payments into the operations fund where it was initially.

Chairwoman P. Fejeran: For Survey and Infrastructure Fund.

Program Coordinator III J. Cruz, Jr.: It was initially the Operations Funds then when the Survey and Infrastructure Fund was developed or created it was moved. The next recommendation is to remove Section (a)2 of commercial leases and licenses executed after October 2015 of subsection 75124 chapter 75 of Title 21 of the Guam Code Annotated created by Public Law 33-90 section 3. This action would redirect all commercial leases and licenses payments to CLTC Operations Fund. If you look at the projections document label CHamoru Land Trust Operations Fund projections, the GEDA projected revenues. These revenues were taken from GEDA projections that they had provided us. I believe there is a copy in your packet.

Chairwoman P. Fejeran: Okay this one.

Program Coordinator III J. Cruz, Jr.: It was very conservative. There are three lots currently that GEDA will be issuing an RFP for which is Lot 575-REM-A-NEW-R4, Lot 7054-R5 and Lot 12, Tract 111. Their estimate annual rent is very conservative. The lease is at ten percent annually as per 33-95. We factored that projective revenue to our equation. For 2020 we only accounted for twenty five percent of the estimated annual CLTC share which really conservative. Then in each year we added what would have been a hundred percent. So, by 2026 you see the balance is we should have about two point seven million dollars. We should

have about three point seven million dollars. The graph shows the lines, the revenue and expenses they don't intersect for the balance. We'll still be [Inaudible] we'll be above water.

Chairwoman P. Fejeran: Okay but in order to realize that we have to change.

Program Coordinator III J. Cruz, Jr.: Certain items need to be considered.

Chairwoman P. Fejeran: Okay... I see in our packet we have a couple of leases that are expiring in a couple of years.

Program Coordinator III J. Cruz, Jr.: Yes madam.

Administrative Director J. Hattig, III: As per your request, you see which leases are expiring in the next couple of years. A lot of them were issued prior to 2016. These go directly into Operations. We need to be concerned about these leases. We need for the leases to continue to operate. Any changes in these leases especially if they are going to maintain their current value. What we recommend to balance out our operations fund is if these are increased in any way obviously it is a boom. But if them decreased in any way again that is why our recommendation is there. To redirect some of the funding and control of our funds so that we can move forward rather than down as initially projected.

Chairwoman P. Fejeran: For the list of leases expiring, is it in our authority to sign a new lease.

Administrative Director J. Hattig, III: It is now subject to Public Law 33-95 because all of these were prior to the rules and regulations of Commercial Licensing. In the case of Hal's Angels and Guam Rugby when those expire the suggestion is to how they become public improvement leases. They fall under a different catalog. They don't even pay anything at all. In we're going to continue that route and not charge them for anything the outcome is going to become negative. We are not going to get anything. But if we are able to provide something for those leases through the commercial leasing process to provide some funding. We would experience an upward trend and that's what we're trying to do.

Chairwoman P. Fejeran: We would have to get the law amended anyway. Those would be the later leases which would be deposited into...

Administrative Director J. Hattig III, Chairwoman P. Fejeran and Program Coordinator III J. Cruz, Jr. (all together): Survey and Infrastructure.

Chairwoman P. Fejeran: In 2020 it all goes to the CHamoru Home Loan fund, right?

Administrative Director J. Hattig, III: Correct.

Program Coordinator III J. Cruz, Jr.: With the amendment in the law would prevent that from happening.

Chairwoman P. Fejeran: Okay. Thank you. This was really great analysis. I would like the Commission to consider it. Perhaps we can get some, I don't know, further discussion for maybe a proposed resolution or proposal we can take these recommendations and submit them to the Legislature if the Commission so chooses.

Administrative Director J. Hattig, III: I also would like to recommend the Legal Counsel review any changes that we would be making to the law to ensure we would still be able to accomplish our taskings or mandated goals.

Chairwoman P. Fejeran: Okay. Thank you, guys.

VII. PUBLIC COMMENT

Chairwoman P. Fejeran: I would like to table the Director's report for now. We're getting a little bit behind and open up agenda item number eight public comment... I know many of you

have been waiting here so patiently. Thank you, guys, for sitting through all of that. I hope to get to each of you pretty quickly.

Priscilla and Joey Indalecio

Chairwoman P. Fejeran: First we have Ms. Priscilla Indalecio. If you are here can you step forward please... Hi if you could both state your name for the record.

Priscilla Indalecio: Hi. My name is Priscilla Indalecio.

Joey Indalecio: Good afternoon. I'm Joey Indalecio.

Chairwoman P. Fejeran: Hi. How can I help you today?

Administrative Director J. Hattig, III: We are actually prepared for Ms. Priscilla. We have a staff report.

Chairwoman P. Fejeran: Wonderful.

Administrative Director J. Hattig, III: It wasn't part of the agenda. They were told if they would like to avail themselves to public comment. We did this before.

Chairwoman P. Fejeran: Okay. So, in the staff report I see you have a lease for Lot 5-13, Block 2, Tract 10121 in Dededo. It's a residential lease. You are a December second 1995 applicant, number 672. In April the Commission approved a loan guarantee for you to build your home. Today you are requesting for a building permit authorization. Is that right?

Mrs. P. Indalecio: Yes.

Chairwoman P. Fejeran: Have you submitted any building permit documents or anything?

Administrative Director J. Hattig, III: The building plans.

Chairwoman P. Fejeran: This is the result of the building loan funds. You used some of the building fund to hire someone to draft these plans.

Mr. J. Indalecio: Yes.

Chairwoman P. Fejeran: It's a two-bedroom residence. Does your home have access to power and water?

Mr. J. Indalecio: It does ma'am but it quite far away, about three hundred feet. We're going to need a few power poles. Maybe you could take that into consideration about the power. I say about three or four power poles.

Chairwoman P. Fejeran: I know it's not cheap.

Mr. J. Indalecio: Yes. I am aware.

Administrative Director J. Hattig, III: It's about five hundred dollars a pole.

Mr. J. Indalecio: I was told twenty-five hundred each I believe.

Administrative Director J. Hattig, III: Depending on where you are at. If you are closer to utilities it becomes cheaper. If it's far it does add up.

Mr. J. Indalecio: Oh okay.

Chairwoman P. Fejeran: I have no questions. We approved the loan guaranty and that same motion also included building authorization. I wonder if we want to do that moving forward. That way they don't have to come back.

Administrative Director J. Hattig, III: I think that was the purpose ma'am of doing this. As soon as they provided plans, we can issue the building permit authorization but without plans I don't think we should be issuing. I think they have demonstrated very awesome capabilities.

Chairwoman P. Fejeran: Okay.

Mrs. P. Indalecio: I have another question.

Chairwoman P. Fejeran: Sure.

Mrs. P. Indalecio: Regarding our road, we already spoke with our mayor regarding our road. Actually, our road and even our map the road is going to another lot. The lot is not on the surveyor but the person that stays there has a lease of the lot. So right now, we using the lot there is there and we did talk to the mayor, the Dededo mayor, they did go through our paperwork. They got a copy of our map.

Mr. J. Indalecio: They never came out.

Mrs. P. Indalecio: It's already four months. Right now, we're waiting on the permit. We already got a contractor. Now they're waiting on the road right now for them to do. I did talk to my sister in-law. They brought in a container. Lately we've got to ask when visitors come, you know. Who's that. We're the only ones that have surveyed our land in Chalan Koda. It's kind of hard. You know. We don't have an actual road and not just the road but the turn off. We're concerned regarding the trash.

Mr. J. Indalecio: There is a house right at the entrance of the road. There is a guy that has been staying there for years. Apparently, he had someone residing there while he's off island. Over fifteen, twenty years he hasn't been back. We maintain his land. We check up on his land. We having a little bit of a problem with the house at the entrance at the right corner. Apparently across the road from that they're dumping all the trash. And I've told them several times about it. They still dumping their trash.

Mrs. P. Indalecio: We brought it to the mayor. All the mayor did was go out and no action was taken. You know it's really hard. We want it to be a clean environment not a trashy environment. It's really bad for my kids to walk through and when they have visitors. They call it the ghetto.

Chairwoman P. Fejeran: Oh man.

Mrs. P. Indalecio: Only because it was really trashy towards the jungle. You can see it on the way in.

Mr. J. Indalecio: It's kind of dangerous. I hope this is the right place to bring this issue up. But the neighbors there at the corner of the road there when they drink, they really cause trouble there. Not only towards us and the people in the residences but towards the motorists passing by.

Mrs. P. Indalecio: And so, it's the people.

Mr. J. Indalecio: I don't know if Land Trust or the mayor, but if they could anything about it.

Chairwoman P. Fejeran: John is that Land Trust property? And that maybe a lessee?

Land Agent I J. Gumataotao: These are lessees.

Mrs. P. Indalecio: Right now, there are two people staying there [Inaudible] the one there going into another lot you can see where my place is at back further. We had a problem there. My kids are using the restroom, you know. We have an outside restroom and the Micronesians in the back are peeking on my kids. We did bring it to the mayor but no one came over. No action was taken. Not just that but the one in the front and back are physically fighting.

Mr. J. Indalecio: They like to fight.

Mrs. P. Indalecio: Machetes are being involved. They'll enter into my lot. We've called the mayor about it but no action was taken. We wanted to see what. You know if you guys know about it. I have twelve kids. I have grandkids. The safety of my grand and my kids.

Mr. J. Indalecio: The road is really messy. A lot of trash. As a matter of fact, a few times I've caught them actually taking the trash bags and tossing it across the road and that is not our place but my sister and I some times bush cut along the road. We like it nice and neat but we sort of stopped because of all the trash piling across the road. That has been our issue for quite some time.

Chairwoman P. Fejeran: I'm glad you did bring it up because that is our land trust property. I'm sure the Director and staff will look into it. Figure out what's going on because you can't treat land trust property like that.

Mr. J. Indalecio: They have a lot of junk cars in that area also. I say ten to twelve junk cars piling around that area.

Mrs. P. Indalecio: We talked to the mayor regarding the street light. I'm not too sure but the mayor said they would look into it. But the only reason why they have a street light there but it's burnt out. So, having a light there would be really great especially because there is a lot of kids there. They are playing there.

Chairwoman P. Fejeran: Well Director they brought up a lot of serious safety and environmental concerns that is happening in their area. If you can have the compliance team do a site visit there.

Administrative Director J. Hattig, III: I'm sorry this is the first we're hearing of it. I encourage you to engage with us in the future if you have any other concerns. I'm glad that you are bringing it up now but engage us at the agency on a Monday through Friday any time you could come in eight to five and let us know so that we can schedule this right away. If we don't know ahead of time then we can't go out and do the site inspection. It is a public safety and public health issue. We are mandated to priority that but since we're only hearing about it today. We'll put it on our radar and schedule to go out.

Mr. J. Indalecio: As soon as possible sir because there are even times where their kids will hide in the jungle and throw rocks towards cars. There was a time when there were a lot of cops looking for someone. They cracked all glasses on one car.

Administrative Director J. Hattig, III: We'll continue to say if there are criminal mischief going on or anything the Guam Police Department is who you are suppose to call. Continue to do that.

Mr. J. Indalecio: A lot of times we have. There are even times where they would throw rocks at my house and even my sister's house. It's pretty dark. It's jungle. They can hide anywhere in the jungle.

Administrative Director J. Hattig, III: Come by the agency and fill out a request for compliance check in your area that way we can make an appointment.

Chairwoman P. Fejeran: Thank you for bringing that up. The agency will be looking into that. In the meantime, we have your building plans for your building authorization.

Commissioner A. Duenas: Motion to provide building authorization to Priscilla Calle Indalecio for Lot 5-13, Block 2, Tract 10121 in Dededo.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded.

Commissioner A Santos: Thank you.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it.

Mrs. P. Indalecio: Ma'am.

Chairwoman P. Fejeran: Yes.

Mrs. P. Indalecio: Can I ask one more question?

Chairwoman P. Fejeran: Yes.

Mrs. P. Indalecio: My husband... only because he is on the loan with me, SBA is requiring he be on the main. His name on the lease with me only because we are both on the loan. I just want know how to get him on lease.

Chairwoman P. Fejeran: I believe we did this previously and it would be just an addendum.

Administrative Director J. Hattig, III: Good question. It would just be an addendum to add him on.

Chairwoman P. Fejeran: We don't normally allow that but because life isn't always rainbows and fairy tales. Sometimes married couples get into fights because of the situation if the SBA loan in the past the commission has made motions to approve two names on the lease. So, what is your husband's name?

Mrs. P. Indalecio: Joey Indalecio.

Chairwoman P. Fejeran: Joey Indalecio.

Mrs. P. Indalecio: He was once... his name was once on the lease before but at the time it was my mom. Why am I giving it to my son-in-law when I could give it to my daughter? So, we switched around and removed it but now SBA is asking if both of our names can be on the lease because both of our names are on the loan.

Commissioner A Duenas: So, motion to prepare an addendum for a lease for Priscilla Indalecio to add Joey Indalecio on the lease.

Chairwoman P. Fejeran: Motion made.

Commissioner A Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded by Tan Amanda. Further discussion?

Commissioners: None

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it. An addendum will be drafted you will have to sign again and you should be good to go.

Mrs. P. Indalecio: Thank you.

Chairwoman P. Fejeran: Thank you too.

Peter Ada Alexis

Chairwoman P. Fejeran: Next on out agenda is Peter Ada Alexis.

Mr. Peter Ada: Good afternoon madam chair and this commission. I'm going to try to finish this in one minute.

Chairwoman P. Fejeran: I appreciate that.

Mr. P. Ada: My name is Peter Ada Alexis. I am a resident of Barrigada. I applied for an agricultural lease back in December 1995. On September 26 of this year I was issued the supposed property in Barrigada Heights and on the second paragraph of this paper it says I was given sixty days to have that property surveyed. Well miss madam chair upon receiving this paper I immediately made contact with all these surveyors. This listing of nine surveyors

[Inaudible] this listing of nine surveyors seven of them said they don't take CHamoru Land Trust surveys at this time. One of them said I got to check my partner. I said just give me a ball park figure on how much they charge. He said how big is the property, two acres. Approximately it gives or takes a little, three thousand seven hundred and fifty dollars. Madam chair I was shocked too. I just don't just take one-person quote as the gossip truth. I'm asking this Board to consider that in forty-two days my notification for survey will expire. Mr. Hattig did say to me I can renew it... but I reviewed it what was they answer. One very nice lady on the telephone said you check on the phonebook directory for all the listed surveyors. Well madam chair I got news for you the same people in the phonebook are on this list and they're not taking CHamoru Land Trust Property. We need your help or else many people will lose their property that they have been waiting for since 1995 [Inaudible] thank you and it is one minute after five.

Chairwoman P. Fejeran: Thank you sir. I appreciate it.

Administrative Director J. Hattig, III: I've met with Mr. Ada already. I've also met with the survey teams on what possible course of action. Obviously we can't control private businesses and surveyors who take projects. We have I don't want to say a bad reputation for being able to pay, our constituents sometimes they are able to pay and sometimes not. This affects our ability to do business with the surveyors but in speaking with survey, our crew is willing to contact surveyors and find out why this is happening and come to an agreement, at least one of the concerns. Why they are not taking CLTC survey projects at this time? So, we can correct those deficits and so they will be accepting CLTC recipients. Also, I did advise Mr. Ada he could request for government survey. Now keep in mind that is something that we don't normally do this because as a result of the financial report the survey and infrastructure fund doesn't have any money to do it. Secondly scheduling it with DLM could take a long time because they are funded by the government like we're funded by our commercial leasing. So, these are some of the issues that yes need to be tackled. I am facing them on a daily basis. Our survey crew is willing to talk to the surveyors to found out if we can become intermediators to get them to accept these projects, especially for people that are financially able to do it. That is why it is so important when we do our interviews, the staff ask are you able to survey. Are you financially able to survey so that we can properly protect them? We can help them out. But if they're not able to we have status quo for now until we can get that funding source renewed and move forward.

Chairwoman P. Fejeran: I think that is a genius idea to talk to the surveyors to find our why they are turning away our beneficiaries. When you talk to them say "okay you're not accepting them and tell me why not". I'm hoping it will reveal how we can change our practices so that maybe it is not on a one by one basis. For example, we say all of you up here by Mr. Ada we're going to turn you all into project and you all pay at once. Maybe they'll do it that way.

Administrative Director J. Hattig, III: Normally one surveyor would do a whole.

Engineering Technician II P. Castro: We would like them to do...

Administrative Director J. Hattig, III: We try to funnel them together especially when we assign lots. That is what we trying to do. Our plan moving forward in survey is give one surveyor maybe four instead of letting the constituents pick their surveyor. We are running into challenges like that but that is what we are researching right now.

Chairwoman P. Fejeran: Great. Let's do that.

Engineering Technician II P. Castro: In the case of Mr. Ada I reached out to one of the employees of a surveyor who offered to give me his number for him to contact but I think it is only fair that I reach out to others so that he can shop around.

Chairwoman P. Fejeran: Okay.

Engineering Technician II P. Castro: He'll get a better price.

Chairwoman P. Fejeran: Then we'll get an idea on how we can better serve our constituents. Well thank you.

Eugene San Nicolas Acfalle

Chairwoman P. Fejeran: Okay next Eugene Acfalle. Mr. Eugene.

Land Agent I J. Dayday: He left already. He made a request to meet with us

Chairwoman P. Fejeran: Okay. Maria MacDonald? I believe she left.

Unknown: Yes.

Chairwoman P. Fejeran: Jay MacDonald. He left.

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: Daniel Rodriguez?

Administrative Director J. Hattig, III: That was the POA from Mr. Taimanglo.

Luis Cruz

Chairwoman P. Fejeran: I have a Luis T. Cruz, Justin and Ethan. Hello and thank you for your patience.

Administrative Director J. Hattig, III: You can sit here in the last chair.

Chairwoman P. Fejeran: Hi. If you would state your name for the record.

Mr. Luis Cruz: I'm Luis P. Cruz.

Mr. Jason Cruz: Jason C. Cruz [Inaudible]

Chairwoman P. Fejeran: Are you guys related?

Land Agent I J. Gumataotao: I initial their request way back. I thought I printed the staff report there is only one staff report for the father, Luis Cruz.

Chairwoman P. Fejeran: Okay.

Land Agent I J. Gumataotao: It's in there but I can go over it briefly the situation. Mr. Luis Cruz is the brother of Mr. Joseph Cruz who I believe at the last board meeting was approved for the issuance of a lease. The two-hundred-dollar water bill.

Unknown: Six hundred.

Land Agent I J. Gumataotao: Six hundred.

Chairwoman P. Fejeran: Okay.

Land Agent I J. Gumataotao: We were able to issue survey authorization, utility and we were waiting for the scheme for survey division for this area. Taking a look back the father was issued the survey authorization and notice of intent to award two acres immediately around this area here. About two years ago the father wanted to get a reduction in acreage and his son, Justin, returned back to Guam, and wanted to start living on the property. The father agreed to get a reduction in acreage giving half to Justin and half to his other son, Nate, who lives over here. Back then we were trying to get this property schemed but it took awhile and a lot of things started to pile up. Even more recently Mr. Joseph Cruz came in and we were able to get this area schemed. We thought what better way to defray the cost of survey and

possible have our survey division rescheme the adjacent lots so we can submit it. Now I was trying to get them on the agenda but I wasn't able to. I'm hoping the board would be able to make a decision to proceed with allowing what is happening with the scheme of Mr. Joseph Cruz and process their request. Everything is in compliance they have all the documents. I just don't have the staff report.

Administrative Director J. Hattig, III: I apologize hours before the meeting we had problems printing. Our copier is still actually on the third floor and we're having challenges trying to bring it down.

Chairwoman P. Fejeran: So, John one more time what is the action or request.

Land Agent I J. Gumataotao: Initially, well go ahead.

Mr. J. Cruz: Ma'am for my understanding my dad was given from my uncle who had passed two acres of agricultural property and we're requesting to break that down into half acres for residential lots among us,

me and my brother, Nathan. We both have our applications for agricultural, and residential but we thought after I came back from seven years in the Army. Our applications are way pushed back. Rather then wait we thought we could split the property where we have been living for the last twenty years.

Chairwoman P. Fejeran: Okay. Thank you. It was originally the two acres.

Mr. J. Cruz: Yes.

Chairwoman P. Fejeran: Your father who received the property from his uncle?

Mr. J. Cruz: His brother.

Chairwoman P. Fejeran: His brother. I'm sorry, and you received the land from your brother and you've been living there. Now you would like to your sons to take control of the property that they are already occupying.

Mr. J. Cruz: Yes.

Chairwoman P. Fejeran: And have real leases for themselves.

Mr. J. Cruz: Residential

Chairwoman P. Fejeran: For residential.

Mr. J. Cruz: We also one more. He couldn't attend Raymond Cruz. He's also living the property too.

Chairwoman P. Fejeran: Okay.

Mr. J. Cruz: Originally there are three sons.

Chairwoman P. Fejeran: Your request is to have the one property divided into four.

Mr. J. Cruz: Yes.

Chairwoman P. Fejeran: The three brothers and your father. Okay, it looks like it's a pre-occupier.

Mr. J. Cruz: Yes. We've been there as long as I've been alive [Inaudible] I used to ride my bike over there.

Chairwoman P. Fejeran: Okay [Inaudible] this is 769 Flores Rosa Street, Swamp Road, Dededo [Inaudible] What is your brother's name who is not here today?

Mr. J. Cruz: Raymond Cruz

Chairwoman P. Fejeran: Raymond Cruz. Is that the scheming you were talking about?

Land Agent I J. Gumataotao: Yes. Initial this was the portion that was schemed out from this entire lot. And that is Joseph Cruz.

Chairwoman P. Fejeran: The one we address last time.

Land Agent I J. Gumataotao: Correct. Mr. Luis Cruz owns or has lease for two acres.

Chairwoman P. Fejeran: So that wasn't part of his uncle's. He maintains two acres which he would like to subdivide for his three sons.

Land Agent I J. Gumataotao: Let's say that the two acres goes back here then we would put Justin here. Father's.

Mr. J. Cruz: Right where your hand is at.

Land Agent I J. Gumataotao: Raymond is here and Nathan is here.

Mr. J. Cruz: Right.

Land Agent I J. Gumataotao: They would do a half acre for each of the four.

Chairwoman P. Fejeran: Okay.

Commissioner A. Santos: They're going to survey four lots.

Land Agent I J. Gumataotao: First we would have to get the scheme approved.

Mr. J. Cruz: We're trying to figure out our meets and bounds before we get a surveyor. We are having trouble trying to find surveyors who would do CHamoru Land Trust.

Chairwoman P. Fejeran: Okay.

Land Agent I J. Gumataotao: If it is required that I do submit it to the agenda. If I can get the Board to approve it today or make it part of the agenda next month.

Commissioner A. Duenas: Is this an existing lease.

Chairwoman P. Fejeran: It is a pre-occupier.

Commissioner A. Duenas: There is no existing.

Chairwoman P. Fejeran: There is no lease?

Land Agent I J. Gumataotao: No. There was a notice of intent to award but that was in 2009. 2010 maybe 2011 we started to do the master.

Chairwoman P. Fejeran: I do see that he is a pre-occupier so we can't evict him. We still have to get him the lease. But before we issue the lease, they are asking to take the same property and issue four.

Commissioner A. Duenas: Right.

Chairwoman P. Fejeran: Right.

Administrative Director J. Hattig, III: I think because this is a complex case, I want to address it to you now. Decreased in acreage is a step in the right direction. It would be the subdivision of the property. Only because the re-subdivision would be taking another survey. Correct me if I'm wrong. A reconsolidating or parceling of the area.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: An acreage reduction is better. They can pay for the survey for the four half-acre lots that are going to be created out of the scheme. That is what I am suggesting. If you're willing to work with us we can put a staff report together. Once a staff report is completed on the exact steps that were completed then we can have the Board consider it. That is my plan of action in here. Keep the acreage reduction and once we identify with a scheme the four half acre lots issue survey authorization to get them to survey the property. Once they find their meets and bounds then we can come in and request for the issuance of the lease. Your application was initially agricultural.

Mr. J. Cruz: Yes.

Administrative Director J. Hattig, III: You need to change the application type.

Mr. L. Cruz: I was farming.

Administrative Director J. Hattig, III: Your request is for residential.

Mr. J. Cruz: Yes.

Administrative Director J. Hattig, III: You only need property [Inaudible] another consideration would be we need to change Mr. Luis' application type from agricultural to residential so that we can accommodate the request.

Chairwoman P. Fejeran: So, he also wants to change his application type to residential or just the three.

Mr. L. Cruz: With the farm I am having hard problems.

Mr. J. Cruz: That is the reason why I can back originally. His medical condition.

Commissioner A. Duenas: You said you all three had applications.

Mr. J. Cruz: My dad's been there. I believe my brother submitted in 2017.

Administrative Director J. Hattig, III: Does Raymond have one?

Mr. J. Cruz: I don't know [Inaudible]

Administrative Director J. Hattig, III: He would have to submit one.

Mr. J. Cruz: I will have him do it tomorrow if I have to drag him in myself.

Commissioner A. Duenas: But for the two application for the two sons are they agricultural or residential?

Mr. L. Cruz: Residential [Inaudible]

Chairwoman P. Fejeran: It's just be changing your two sons.

Commissioner A. Duenas: I can do that now.

Chairwoman P. Fejeran: Okay.

Commissioner A. Duenas: Did you have any questions?

Chairwoman P. Fejeran: No go ahead.

Commissioner A. Duenas: Motion to change the application type for Luis T. Cruz to residential.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

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

Commissioners: No.

Chairwoman P. Fejeran: All those in favor.

Commissioners: Aye.

Chairwoman P. Fejeran: The ayes have it. So now your application is residential. It sounds like the team will be working with you more to lay out the exact steps you need to take. I'm really glad you all came in here you as a family. It sounds like a good tight unit which we love to see. Often, we have families coming in here arguing and airing their dirty laundry. I appreciate you are using the land and can allow your sons to basically use the land and live on it. That is fantastic. I look forward to working more with you. I'm sorry we couldn't make any major decisions today. I pray we will in the future.

Administrative Director J. Hattig, III: Come in to the office as soon as you can. We're located on the second floor. We're open from 8 a.m. to 5 p.m. Monday through Friday.

Mr. J Cruz: We'll do that.

Chairwoman P. Fejeran: Thank you guys. Was there anybody that we missed for public comment? Come on up [Inaudible]

Cirilo and Adelina Reyes

Chairwoman P. Fejeran: Hafa adai. Please state your names for the record.

Mr. Cirilo Reyes: My name is Cirilo Reyes.

Ms. Adelina Reyes: Adelina Reyes.

Mr. C. Reyes: [In CHamoru] Lot 480. [In CHamoru].

Chairwoman P. Fejeran: Tan Amanda? [Inaudible]

Ms. A. Reyes: Santa Ana

Mr. C. Reyes: Santa Ana

Land Agent I Lorraine Nededog: Santa Ana Lot 480 [Inaudible]

Commissioner A. Santos: From Santa Ana [Inaudible]

Land Agent I L. Nededog: Further

Land Agent II J. Casem: Lorraine look at the TV.

Mr. C Reyes: [In CHamoru]

Ms. A. Reyes: Our lot is at Tai Lada Road. At Tai Lata River.

Administrative Director J. Hattig, III: Señot [In CHamoru] English?

Mr. C. Reyes: [In CHamoru] [Inaudible]

Ms. A. Reyes: It's a one-acre lot.

Mr. C. Reyes: [In CHamoru] [Inaudible]

Chairwoman P. Fejeran: And you have run out of space [Inaudible] is this land in the red?

Ms. A. Reyes: Yes, that is where we stay.

Mr. C. Reyes: [In CHamoru] [Inaudible]

Chairwoman P. Fejeran: And then the one right above it?

Mr. C. Reyes: [In CHamoru] [Inaudible]

Chairwoman P. Fejeran: And you have an existing land trust lease with us? Is it residential or agricultural?

Mr. and Ms. Reyes: Agricultural [Inaudible]

Chairwoman P. Fejeran: Okay [Inaudible] it's already leased.

Administrative Director J. Hattig, III: Can you select...

Land Agent II J Casem: It's pending [Inaudible]

Administrative Director J. Hattig, III: Why does it say Juan Diaz Muna?

Engineering Technician II P. Castro: Mr. Muna has been removed.

Administrative Director J. Hattig, III: So, we need to update it.

Unknown: Yes.

Administrative Director J. Hattig, III: Basically, it is an acreage increase. It sounds like.

Chairwoman P. Fejeran: Is the property that they're requesting is it leased already?

Land Agent II J Casem: No. It is not leased yet.

Chairwoman P. Fejeran: Was the ever a Notice of Intent to Award issued?

Land Agent II J. Casem: That was actually already issued to somebody however there were some issues regarding the property. They were moved to the adjacent lot in the back. Survey has actually been out there and survey the property.

Engineering Technician II P. Castro: Correct.

Land Agent II J. Casem: There are survey markers there it is just pending the lease completion of the individual.

Administrative Director J. Hattig, III: Is there any other property adjacent to them that is not lease or available?

Land Agent II J Casem: They're all leased out.

Administrative Director J. Hattig, III: There are none available.

Chairwoman P. Fejeran: Even this one?

Land Agent II J Casem: It's been abandoned for a while now because of the problems regarding the surveyor. That is why Mr. Diaz wasn't occupying. There were issues regarding survey. We moved him to the back. Then it was shown to somebody else the front lot. It is just pending completion of a lease. There is something that happen to the individual. It needs to go back to the original applicant.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: Thank you. If you would allow us the time to research the area and provide you with a full detail of the history of what has been going on with the adjacent properties and the current lot. Mr. Reyes is occupying. Basically, what I would like to do is send my land agents out to do a courtesy site inspection. They also need to do research into the adjacent lots around you. It is going to take some. We'll try to schedule it right away but give us a month to do that. If there are no lots available in this area, I'm not sure because you are requesting for an acreage increase. I'm not sure what options we could come to. You have already obviously put a home, a structure, on the area.

Ms. A. Reyes: In our place yes.

Administrative Director J. Hattig, III: A relocation would not be an option to consider because of your house.

Ms. A. Reyes: Yes, we have so many plants there.

Administrative Director J. Hattig, III: Right.

Ms. A. Reyes: Avocados, bread fruit, bananas, papayas. We have star fruit.

Administrative Director J. Hattig, III: This is your daughter.

Mr. C. Reyes: Yes.

Administrative Director J. Hattig, III: Are you an applicant?

Ms. A. Reyes: I was about to. Can I pick up one today?

Administrative Director J. Hattig, III: I just asked. I'm trying to think outside the box to assist them. The only other thing I could think of was a family member or pre-occupier. Give us opportunity to research this before we can move forward on this and provide the board with the information. This was a lovely presentation. If more people would provide a presentation like this, it would be a lot easier.

Chairwoman P. Fejeran: Thank you for your time.

Ms. A. Reyes: Thank you.

Mr. C. Reyes: Thank you.

Chairwoman P. Fejeran: Thank you for your patience.

Ms. A. Reyes: When would we know like a timeline. A point of contact.

Administrative Director J. Hattig, III: Come and visit the office, you can put your request in. Your official request because we have a document that you could fill out for this. We already have this on file now. You can visit our offices on the second floor from 8 a.m. to 5 p.m. You could talk about this with one of our land agents.

Ms. A. Reyes: Just so we know where to go since we are leaving.

Chairwoman P. Fejeran: Thank you so much.

Mr. C. Reyes: Good night.

Chairwoman P. Fejeran: Good night. Okay I think that concludes our public comment section. Going back to the Director's report. I think that the Director has handed us a document. I would like some time to review that. We're going to table that.

Administrative Director J. Hattig, III: Just F.Y.I. I sent this document to you last week as part of my weekly report that goes out. It is in your email. This is just the hard copy. The next report is coming out tomorrow. I will be sending that to you. It will update this one.

VIII. COMMISSIONERS' COMMENTS

Chairwoman P. Fejeran: Thank you. Perfect. Commissioners comments? Okay I have comments. Thank you, guys, for being here. Also, tomorrow we have an information briefing down at the Legislature. This was called by Senator Therese Terlaje. It is of utmost important to the Trust, all of our beneficiaries because it will give you an update run down of the litigation the Land Trust is facing. I will be there. I have a presentation that I will be giving. The Commission's attorney Mike Philips will be there. Administrative Director's attorney will be there. The Director will be there. It will give you a full update. The summer was very busy. We thought we were going to settle but it looks like the case is back on. I would appreciate that all of you tune in or watch it on your off time so you are aware of what is going on with it. Thank you. Our next meeting is November twenty first. Does anyone else have comments? Commissioners comments? Our next meeting is schedule for November twenty first. Is that Thanksgiving?

Commissioner A. Duenas: No.

Administrative Director J. Hattig, III: It's the following week. Thanksgiving is the twenty eighth and twenty ninth.

Commissioner A. Santos: Thank you.

Chairwoman P. Fejeran: Okay. Any other comments? Thank you, guys. It was really a fantastic meeting. We got so much done. We learned so much. We got a lot of homework.

Commissioner A. Duenas: Happy Kwanzaa.

IX. ADJOURNMENT

Chairwoman P. Fejeran: Can I get a motion to adjourn?

Commissioner A Duenas: Motion to adjourn.

Commissioner A Santos: I second it.

Chairwoman P. Fejeran: We're adjourn.

Transcribed by: Lydia Taleu, Land Agent I

Approved by motion in meeting of: July 9, 2020

Jack Hattig III, Administrative Director:



Date:

9 Jul 20

