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Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

G. Pika Fejeran
Chairwoman

Amanda L.G. Santos
Commissioner

Austin J. Duenas
Commissioner

Arlene Bordallo
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(Vacant)
Commissioner

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Administrative Director

CHamoru Land Trust Commission

(Kumision Inangokkon Tano' CHamoru)

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COMMISSION MEETING MINUTES
Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning

Thursday, August 15, 2019, 1:00PM

Public Notice: The Guam Daily Post on August 8, 2019 and August 11, 2019

I. CALL TO ORDER

Chairwoman P. Fejeran called the CHamoru Land Trust Meeting to order at 1:04PM

II. ROLL CALL

Notation of Attendance

Present were: Chairwoman P. Fejeran, Commissioner A. Santos, Commissioner A. Duenas, Legal Counsel Nicolas Toft, Administrative Director Jack Hattig

Chairwoman P. Fejeran: I'd like to call this CHamoru Land Trust Commission Meeting to order. The day is Thursday, August 15th, public notice for this meeting was provided in the Guam Daily Post on August 8th and on August 11th. Before we begin, I would like us to rise and cite the inifresi.

All: Reciting the Inifresi

Chairwoman P. Fejeran: Alright, thank you everybody. Roll call, I'm present. Commissioner Amanda Santos.

Commissioner A. Santos: Here

Chairwoman P. Fejeran: Commissioner Austin Duenas.

Commissioner A. Duenas: Here

Chairwoman P. Fejeran: Legal Counsel Nicolas Toft.

Legal Counsel N. Toft: Here

Chairwoman P. Fejeran: And Administrative Director Jack Hattig the third.

Administrative Director J. Hattig: (responds in CHamoru) here.

III. APPROVAL OF MINUTES – MAY 2, 2019

Chairwoman P. Fejeran: Thank you, so, we do have quorum today. First item, next item on our agenda is approval of minutes. We have our May second, meeting minutes, has everybody had a chance to review? Did we need a little bit more time? This was a very lengthy meeting, it's about sixty-nine pages of a meeting.

Commissioner A. Duenas: I'm not ready to approve the minutes.

Chairwoman P. Fejeran: Okay. So, lets table the approval of these minutes to the next meeting, please. Alright, next item on the agenda is public comments. Has everybody that wanted to provide public comment, signed up here? Yes? Okay. Okay, we'll start with Mr. Johnson. Hafa adai, you could state your name for the record.

IV. PUBLIC COMMENTS

Mr. Johnson: Good afternoon, I'm Jerry Johnson. I'm President of Hawaiian Rock Products. You probably recall that I came before you on April 4th, to present a win, win opportunity for the Trust and its beneficiaries regarding Lot 5412 in Mangilao. Hawaiian Rock has been working with previous commissions on proposals for this lot since 2006. We have made considerable progress of archeological and environmental studies on this property as well as alternate grading plans to prepare the property for a future use as homestead lots or other commercial activities as the commission may determine. At your meeting it was determined that Lot 5412, must first be designated not to exceed, not part of, not to exceed of 90% of the commission's inventory of land, it does not required leases for CHamorus to lease for subsistence and Agricultural Commercial leasing. After this designation, CLTC must seek specific approval for mineral extraction on a portion of lot 5412, were grass, mass grating would occur. Then the commission would partake for the mass grating, resulting in homestead lots, and the revenues gained from the mineral extraction. Note that after mass grating, the property would immediately revert to the commission, in the form of homestead lots or remain for commercial leasing to others. The first step is to designate lot 5412, as within the 90% of the Trust land inventory that is not required for homesteads, or subsistence farming and agriculture. Today, I respectfully ask again, as you may recall Public Law 33-95 establishes, strict and specific requirements that could lead to commercial leases and significant revenues for the Trust. For your information, Hawaiian Rock Products has given CHamoru Land Trust one million, six hundred and seventy-seven thousand dollars in royalties for mineral extracted from the Guam Raceway since 2004. Guam would experience a tremendous demand for coral products in the next six years. Now is the time to start with this property to include the needs of the Trust and much needed income to Trust. Thank you.

Chairwoman P. Fejeran: Thank you Mr. Johnson. I do appreciate you coming in for this subject lot. The Commission has not moved forward in any direction. I think at our last meeting, we discussed that this is a very, I guess an important opportunity, that the Trust may want to have a little more time to consider. I know that's not the only property has been proposed for mass grating and mineral extraction. But we understand it's definitely a valuable resource that the Trust holds and I appreciate your interest.

Mr. Johnson: Our only concern is that, you know, it takes a long to get the, do all the proper permitting in archeological and environmental studies and these

projects that I'm talking about they're starting now and so, you know the Trust if it takes years to do this, they miss this opportunity. Also, we are looking for private land and once we obtain that, we'd probably use all our energy on that. ****inaudible**** We are very interested in that property. The time that we spent on it and the money we put into it and to do what the Commission asks us to do, previously, and it made immediately adjacent to us and it won't impact the Trust going out on the road, and everything, so. Yes, we are interested in other properties in the Trust's inventory, but those are kind of long-range properties, so. That's why I would hope that in the interest of time that you would work on this for us, soon, ok. Thank you.

Chairwoman P. Fejeran: Next individual for public comment is a Mr. Joseph Tedtaotao. Hafa adai sir.

Mr. Tedtaotao: Hi, good afternoon.

Chairwoman P. Fejeran: Hafa adai.

Mr. Tedtaotao: Well my question here today is basically is there any proper procedures for a Land Trust holder that has gone, passed on and the siblings do not want any part of the property? Now, me as an applicant, is there any way I could switch off for that particular lot? What are the proper routes for me?

Chairwoman P. Fejeran: Ok. Sir, just for the record, your name is Joseph Tedtaotao?

Mr. Tedtaotao: Yes ma'am

Chairwoman P. Fejeran: Ok, so, you are asking what are the process. Are you related to this individual?

Mr. Tedtaotao: I'm...no.

Chairwoman P. Fejeran: Process and they currently have a lease? With Land Trust?

Mr. Tedtaotao: I believe so.

Chairwoman P. Fejeran: Ok, I know that there are definitely process for lessee's that passed away. We first need to check if they designated a beneficiary. We would check in their file, have you been to the office to speak to one of the Land Agents?

Mr. Tedtaotao: No.

Chairwoman P. Fejeran: No, ok. I think that would be your best bet, come on in, sit down with one of the Land Agents. If the children of the deceased lessee, if they don't want the property, maybe one of them were listed as the beneficiary, they may be able to relinquish it. Relinquish their beneficiary...

Mr. Tedtaotao: They are going to relocate off-island they are not going to stay here.

Chairwoman P. Fejeran: Ok.

Mr. Tedtaotao: So, do I have to update the lot number?

Chairwoman P. Fejeran: No, I think just their name. Do the children know if one of them was designated beneficiary?

Mr. Tedtaotao: I believe so.

Chairwoman P. Fejeran: Ok. So, whoever was designated the beneficiary, they would probably have to come in with you, right, just for the privacy stuff. So, they would have to come in with you or...

Commissioner A. Santos: Get power of attorney.

Chairwoman P. Fejeran: Yeah, go ahead Director.

Administrative Director J. Hattig: If I may. Have you made any contact with the family members of the individual on your own?

Mr. Tedtaotao: I...yes, the deceased, the brother is with my cousin.

Administrative Director J. Hattig: Oh.

Mr. Tedtaotao: The lots are right across each other.

Administrative Director J. Hattig: Ok, so maybe, ok...

Mr. Tedtaotao: Yeah, they just brought it to my attention, like, you know, hey, my sister passed on. Her daughters don't want anything, they live in the states, so.

Administrative Director J. Hattig: The chairwoman is right, come in and in your schedule you can come in or you can make an appointment to come in and see one of our land agents and we'll sit down and take the information down, we have to reach out to the obviously to the other side, the other lessee to confirm what their decision or desire is and then we can go from there.

Mr. Tedtaotao: Alright, that's it.

Chairwoman P. Fejeran: Sir you are an applicant?

Mr. Tedtaotao: Yes.

Chairwoman P. Fejeran: Ok. Alright, thank you sir.

Administrative Director J. Hattig: Thank you.

Chairwoman P. Fejeran: Ok, is there anybody else that wanted to provide public comment today? No, ok, thank you. Hi, please come forward and state your name for the record.

Ms. Muna: Thank you. I thought I was on the listed, my name is Jesusa S. Muna. I thought I was on the listed, I thought I made an appointment to come in

today for building permit and for surveying, but I'm not on the list. I don't know why. It's about a month and half ago. Anyway, I am here because I was given authorization for power and water from CHamoru Land Trust I got, I was given CHamoru Land Trust for half an acre, back road, Pagat, Mangilao. I've been applying and I got the application for power, but water is giving me a hard time, I did not get my property surveyed. Lack of funds, of course, but I was told from the previous administration that I might be able to get it through them, but it's not happening. They told me also it might take a length of time for, but I need to, I need help. That's why I'm here, I need help.

Chairwoman P. Fejeran: Ok.

Ms. Muna: I'm not looking for a free hand out I get a property, but I just need a little boost for water, it's more important for me than anything. But I got the power application and they told me they were going to charge seven thousand for a power pole, and I need six. Where am I going to get that? Right. They said it's a process, I can pay as I go along. I'd be dead by then.

Commissioner A. Santos: Power pole.

Ms. Muna: **responds in CHamoru** Yes, and the water is six hundred and I will be putting in the meter. So, help please. Yes.

Commissioner A. Santos: Maybe the Legislature could.

Ms. Muna: And, everywhere I go people make comments, they go...why is CHamoru Land Trust giving you this when they should provide infrastructure. I have no idea. I don't know. I don't know that answer to that. Before, they did. I was told before they did. I don't know where they got that. Before they did. (speaks in Chamoru) Yes.

Commissioner A. Santos: Agriculture.

Ms. Muna: I did go to the Agriculture.

Commissioner A. Santos: Legislature.

Ms. Muna: Yes, and they told me if they help me with the water, I cannot use it for my own consumption. I have to use it for my plants. But I have to plant fifty coconut trees and twenty bitternut trees. You know what they gave me? Or what CHamoru Land Trust gave me. Tons of corals...rocks. I can't plant, I have planted and they all died. You know, so, I need help, I need help. It's half an acre, I can't get my water in, I can't, if it's a three acre and I'm going to farm, maybe, get better response, but, half an acre, an old lady.

Commissioner A. Santos: You think they can give her another lot? Where she could...

Ms. Muna: Oh my God, I have put so much, me and my kids a lot of sweat, sweat in my property. I have a temporary structure there right now. Sorry.

Commissioner A. Santos: Do you have Agriculture or is it Residential?

Ms. Muna: Agriculture.

Chairwoman P. Fejeran: And when was your lease issued?

Ms. Muna: I got it right here. Well I applied ninety-five and I got Agriculture lease two thousand seventeen. (Chamoru) I was given a lease because they checked on those who died. I'm just saying, sorry.

Chairwoman P. Fejeran: No, I'm sorry that you're in this position.

Ms. Muna: Yes.

Chairwoman P. Fejeran: You know there's a lot of pressure, on the commission in the past to just issue out leases, without really regard to, or with the understanding there's no utilities in the area. It's probably in your lease where it says that, that you understand there is no utilities within a hundred of feet.

Ms. Muna: Yes ma'am, I understand but why do I have to spend an arm and a leg.

Chairwoman P. Fejeran: I understand.

Ms. Muna: The whole body to get it. Is that what it is to just give it. (Chamoru) it's on you now. You know you can't. We're asking for help.

Chairwoman P. Fejeran: I understand. You know the commission has asked the director and the staff to put together a, what is that, a, I guess a spending plan for our survey and infrastructure fund. We are going to have money that is sitting in there that is not used. So, I think if you could, sit down with a land agent to, I mean you definitely put in record here, so that our land agents can really pin point exactly where you're located, see who else is in that area where we could invest infrastructure.

Ms. Muna: A lot of people gave up, it was two people that they're still there but, there's quite a few of us, but a lot of them gave up because... (CHamoru) Ai Sue, ten thousand, seven thousand. Where are we going to get that? Where? We are not as fortunate as some people and we're just seeking a little, a little help. Not a bit, you know, give me water. I'll keep still, I'll get a generator and live there, you know. But I just need water. I'm hauling water there now; I'm hauling water back and forth from my daughter's place and it's not fun.

Chairwoman P. Fejeran: The agenda.

Ms. Muna: Yeah, Ms. Dayday said she was going to put me on today.

Commissioner A. Santos: The sign in? The Agenda?

Ms. Muna: I signed in with the public comment because Mr. Eay said go ahead. But thank you for the opportunity that you gave me.

Commissioner A. Santos: Find another place for her.

Chairwoman P. Fejeran: Well it sounds like she's not interested in a move, she's actually invested a lot in there, she's asking for help.

Commissioner A. Santos: You don't want to move to another place where you could...

Ms. Muna: (CHamoru) What and start over again. It's a half acre but my family put a lot, but they gave me a place where the trees are as tall as a three-story high, you know. (Chamoru) it's hard, sister. Give me a house, I'd be happy with it, but see I wanted to plant a little bit. I still do in, but I can't plant on that. Yeah, I have a mango tree there, it's been there for ten years and I'm still wondering if it's going to fruit. (CHamoru) Nothing. I have sour sap that's baring fruit but now maybe the roots are hitting the rocks, because it's dying out, dead fruit, you know. So, I just, it's, I don't know, if you can put me in a place where it's, and I can you know, I don't want Dededo. They tried to give me a property up there, Nevermind Road, and a boy the name suits it. Nevermind. It was like five miles in and to get to the property they were going to give me. I was like...

Commissioner A. Santos: Nevermind.

Ms. Muna: I'm a lady. What are you doing pastoring me over there, because there were cows? Maybe that's why they put me out there, but ma'am I'm not here to be disrespectful and really here for just a little bit of help. If you can provide me another property that would be great. They are telling me six power poles, seven grand each. The power line, regardless they said. You need five thousand, I don't have to pay all of these at one time, but. By the time I get around to it, I'm not going to be around, what about my kids, you know.

Chairwoman P. Fejeran: Ok, well Ms. Muna thank you for your comments. It has been duly noted and if you would like to explore the, if there is any place you would like to transfer to that has the infrastructure in place, please come in and sit down with one of the land agents. But we also noted your case and as we are putting together the survey and infrastructure plan, we'll be sure to keep you and neighbors in mind.

Ms. Muna: Thank you, I appreciate that.

Chairwoman P. Fejeran: I'm sorry we couldn't do more today.

Ms. Muna: Well you know, it doesn't happen overnight. I appreciate that I'm being heard today, it's taking forever for everything. Everybody says no to me and I've been going everywhere. I even set up a meeting with...and he explained to me what's going on and you know, can't do everything at once. You know, procedures have to be followed. That's why I'm here. Help me with your procedure, please, thank you.

Administrative Director: Yes, we did discuss a relocation the last time we met. Maybe we can sit down and discuss this time.

Ms. Muna: Maybe and maybe next to a power pole. That would be great, yes. Seven grand is a lot of money for a person that pretty much has not much. Well next to a power pole I'd be pretty happy. Thank you.

Administrative Director: Thank you.

Chairwoman P. Fejeran: Is there anyone for public comment that we missed? Alright, thank you. Oh, I'm sorry, come on up. Hi, you could state your name for the record.

Mr. Atalig: Justin Atalig.

Chairwoman P. Fejeran: Hello. Justin Atalig?

Mr. Atalig: Yeah. Atalig.

Chairwoman P. Fejeran: Hi Mr. Atalig, how can we help you?

Mr. Atalig: Recently I just applied, for, through my grandma's land. In back road Pagat. I was told, you know, by one of you guys agents, speed it up or you know a little bit faster, to come to the board. Back then, I just want to get a land also for kids for also, them. The land is kind of like a memory. I don't want it to go to somebody else.

Chairwoman P. Fejeran: Oh, ok. Is one of our land agents familiar? John? So, your grandmother has a Land Trust property?

Land Agent J. Gumataotao: Well, no, she, grandmother had a, pre occupier. So, I just informed him he needed to get a verification from the Mayor. It's only because he just recently applied and...

Chairwoman P. Fejeran: Right, so we have to make sure we have all the documentation in place to really declare you as a...

Administrative Director: Pre qualifier.

Chairwoman P. Fejeran: Pre occupier status, yeah.

Land Agent J. Gumataotao: Well currently his application is going through the process.

Chairwoman P. Fejeran: Ok, for...

Land Agent J. Gumataotao: He just paid the...

Administrative Director: He is going to the qualification process, right.

Chairwoman P. Fejeran: Ok, ok. Alright, so, what John was saying was your application is being processed right now, just to determine your qualification under the program. But as soon as that is done, and your qualified, I guess the next thing from you would be the Mayor's verification that it's you and your family.

Land Agent J. Casem: That you stay there.

Chairwoman P. Fejeran: That you stay there. Do you stay there now? Occupy there now? No. Ok, but your father or grandmother?

Mr. Atalig: Yeah.

Chairwoman P. Fejeran: Stayed there. Ok.

Mr. Atalig: Already I gave from the Mayor of Mangilao, the document that she was staying there.

Chairwoman P. Fejeran: Oh ok.

Land Agent J. Gumataotao: Once he gets processed for his application then, we'll take a look at the additional documents.

Administrative Director: I'm concerned, the, I'm just concerned if the, your grandmother wasn't a Land Trust lessee, or nobody from your family was a Land Trust lessee or applicant at least.

Mr. Atalig: Not that I'm aware.

Administrative Director: So, who's currently occupying the property?

Mr. Atalig: Nobody right now.

Administrative Director: Nobody? Ok. We will have to research ma'am on the property itself, just to make sure it's within, you know like what John said, the LUP or whatever the circumstance because, you know. Not sure right now, this is public comment so we'll research it then. Once your qualifications done, that's really what I wanted to do is qualify you first and then we can start talking about you know, the land and

Mr. Atalig: So, it's just on the process right now.

Commissioner A. Santos: She's occupying the land right now?

Administrative Director: Not right now, no.

Mr. Atalig: Not right now, no.

Administrative Director: His family did one time.

Mr. Atalig: So, my grandmother died long time ago then, my mother moved up to Dededo.

Administrative Director: So, your mom was the last occupier up there before she moved? No?

Mr. Atalig: It was actually my grandma and right before she died it was my mom.

Administrative Director: Oh.

Chairwoman P. Fejeran: Ok, it sounds like you're, like your just making sure you qualified and then, the director and the staff will work with you if we need any additional documentation, if we have to research the property, also to make sure, you know, it hasn't already been leased to somebody else and all that, that stuff.

Mr. Atalig: Will I be given another place or...?

Chairwoman P. Fejeran: We'll deal with that when we get there.

Administrative Director: Usually your date and time has to come up and when it comes up, we talk about it.

Chairwoman P. Fejeran: Ok, thank you.

Mr. Atalig: Thank you.

Chairwoman P. Fejeran: Thank you for coming. Ok, was there anybody else for public comment today? Public Comment? No?

Audience member: I didn't up for public comment, I was just told to come here.

Administrative Director: Please come up.

Commissioner A. Santos: Come and state your...

Chairwoman P. Fejeran: Sorry, can I have your...I think you're on our agenda. We'll get to your case.

Audience member: Ok, my name is Michael B. Salas.

Administrative Director: Yes, he's here.

Chairwoman P. Fejeran: Oh yes, we have you here, I'm sorry, Mr. Salas.

Mr. Celestial: Chairwoman, I'm here to see what the status is on my lease? Last time I was here it was said that they couldn't do because you have to send it to the Legislature. However, I have seen that they have approved switched leases. I was just wondering what the status is for my wife and I?

Chairwoman P. Fejeran: Well I thank you Mr. Celestial. You know unfortunately we have not been unable to resolve your case and many others like your case. The resolved, we were able to work within the bounds of the current law. But you are still on our list and we are doing a lot of research, outside of the commission meeting to see how we can work within the current law to address and keep you where you are, you know, since the beginning its been the commission's goal, mission to not kick you out.

Mr. Celestial: Well I appreciate that because, for the record last time I didn't make any statements I just listened to Mr. Nick here, give his opinion so, for the record I want to say that I've been for nine years, the Barrigada incident happened last year. Nothing, nobody, what you call that, nobody was sent to

jail. You know for that incident and, which is good but, my concern is that, what exactly can happen? What can happen to me today?

Chairwoman P. Fejeran: What was your question?

Mr. Celestial: What can happen in my case to...because the letter that I got, that I received, last time the attorney, Mr. Nick explains that it was my cousin that stood in line in nineteen ninety-five, she stood in line. We didn't cut, and then, all we did was through Joe Borja, he was the director at the time, he approved our switch from my two thousand one to her nineteen ninety-five. So, for the record she stood in line, all we did was switch dates and then according to the official rules and regulations, we can't do that. But, to my understanding is that my cousin beneficiary were her god, her grandchildren. In accordance to rules and regulations, it can't be done. So, what I'm asking for is to look into it, since there's no provisions, for that, the board has the authority to go ahead and approve my lease. In accordance to that since there's no beneficiary now and her original intent, was to give me her slot because at that time, she wasn't ready and I was. My wife and I were, and I hope you take that into consideration because there is an avenue to approve my lease. You have the authority to do that and I don't see a delay that should further in my case, that is why I am here today, I just hope and pray that, to approve this guy's lease and *inaudible. I invite you all to my ranch, really do, come up to my ranch see what my wife and I, my kids have done for the past nine years. You know we really improved it, I've got a, we got ducks and chickens, it's just beautiful I really maintained the area. And, and sometimes when I'm out picking my lemons or something, I says man, it still back in my head it's like I hope they approve this thing because it still a factor, the stress factor is there, so I hope you find it in your hearts to try and alleviate this... I won't say pain, but stress my wife and I have. My wife and I are over sixty years old and still don't need this kind of pressure. I really, I know you guys are working hard trying to satisfy every lease and the people here on Guam, so I'd really appreciate it and just give us a piece of mind for my wife and I and my kids. Thank you.

Chairwoman P. Fejeran: Thank you.

Mr. Celestial: That is all...alright.

Chairwoman P. Fejeran: I appreciate you coming and going on the record to really talk about what you've been going through and how much you've invested in the land. I know that, I know that Director Hattig has been to the property, yeah, and really what you've done to the property is what we hoped all our lessees' can do. Make it a place, yeah.

Mr. Celestial: And just let you know, it wasn't easy. It was really difficult. You know I understand the pain these guys go through just to get water, power, it's very difficult. Me and my wife are both retired and we have to wait every month on a fixed income and buy material, then to find out, wow it's done then told, oh I am sorry your lease has been voided. It's more than heartbreaking. I know

you guys are doing the right thing and that's all I wanted to say here today and for the record, please we are still and we appreciate you guys and you're always invited to come out to the ranch, maybe I'll cook a couple of ducks or something.

Chairwoman P. Fejeran: Mr. Celestial I want to assure you that we have not forgotten about you and we're working outside of these meetings so that we can resolve it as quickly as we can. I'm sure you would know and appreciate whatever we are doing we have to make sure we follow everything...

Mr. Celestial: I'm thankful for that, chairwoman, because you would do the right thing and come five, ten years and say oh excuse me and...

Chairwoman P. Fejeran: Yes, I do too.

Mr. Celestial: Years later, and...

Chairwoman P. Fejeran: Right!

Mr. Celestial: Hopefully I'd still be alive. Ok, **speaks in CHamoru** Thank you for very much.

Chairwoman P. Fejeran: **responds in CHamoru** You too.

Commissioner A. Santos: **responds in CHamoru** You're welcome.

Chairwoman P. Fejeran: I know the switch and transfer was supposed to be on this month's agenda but because of the executive session we have to post pone it, so can you just make sure we are ready for September.

Administrative Director: Yes ma'am, we'll put it on.

V. NEW BUSINESS – COMMERCIAL LEASING, GLOBAL RECYCLING

Chairwoman P. Fejeran: Ok, anybody else for Public Comment today, that I missed? No? Ok. Alright, moving on to new business, we have commercial leasing, first is Global Recycling. So, in the new business packets we have a staff report. So, the subject property is Lot number 10122-15 in the municipality of Dededo. It's almost Fifty-three thousand square meters. What is that, like ten acres?

Land Agent J. Casem: What is that?

Chairwoman P. Fejeran: Fifty-two, about fifty-three thousand square meters. Ok, director do you want to present this case.

Administrative Director: Yes. So, I did an inspection, and we did some research, Mr. Joey Cruz and I. We found in June 2006 an authorization to occupy and proceed with permitting development operation and maintenance of recycling facilities. This was just a memo that was issued by then director Tom Elliot. In 2011, another document authorizing Global Recycling. To continue to

use this lot was made by director Monte Mafnas at the time and then again on January 6 of 2015, an authorization to occupy memo was issued by then director Michael Borja. So, in our research there's no commercial lease and license that allows Global Recycling to continue its activities there. So, what we propose, our recommendation issue a sixty or ninety day cease and desist letter to Global Recycling and declare this lot and its associated activity for commercial leasing and licensing pursuant to public law 33-95, open it up to competitive process. So, that's our recommendation at this time. We're really not making any money from this property, and we really could be making a lot more than what was agreed upon on these past memos.

Chairwoman P. Fejeran: So, sorry. Are they currently occupying and in operation?

Administrative Director: As I, understand it, they are currently occupying, there's a business there and they are conducting operations.

Chairwoman P. Fejeran: So, dating back to 2006, they were authorized to occupy and operate with no formal agreement, no lease payments...

Administrative Director: No.

Chairwoman P. Fejeran: Nothing?

Commissioner A. Santos: Nothing.

Administrative Director: Nothing.

Chairwoman P. Fejeran: Have you been in contact with the...

Administrative Director: I did meet one time when I did a site inspection of the area. I did meet one time with the owner of Global Recycling.

Chairwoman P. Fejeran: Ok.

Administrative Director: I didn't issue anything yet pending the board's, you know, we wanted to bring it up the board's attention and get some direction on how the board wishes to proceed with this particular property. We did, there are photos, we did take photos, we can also forward those to the commission of the activities that are located there, and you have in the packet the memorandum that were issued by the previous director. Then you have the map of the area, Chalan Batulo, in Dededo. It's a right after, it's after the encompassing the entire, if I'm reading this correctly, right before the transfer station. The old transfer station, that area there.

Chairwoman P. Fejeran: And how, how was this discovered, did it come up on our...

Administrative Director: Well...

Chairwoman P. Fejeran: How did they...

Administrative Director: Joey, we first had it on our radar I think, I'll verify with Mr. Cruz with the historical data.

Program Coordinator: My name is Joey Cruz. The reason why the Global Recycling issue came about is because when we conducted the first initial audit for the Trust. We went back and audited all the commercial files, and finding Global Recycling was...

Chairwoman P. Fejeran: Found what?

Program Coordinator: Didn't have a lease when they were paying.

Chairwoman P. Fejeran: Ok, alright. I'm seeing the most recently letter to Mr. Chu from the Global Recycling Center Incorporated, January 6, 2018 from then director, Michael Borja. Says the authorization to occupy to proceed the operation of the facility and property shall be deem temporarily and will be superseded by commercial lease agreement upon completion of the commercial lease license rules and regulations. So, it sounds like the, back then we know they didn't have a commercial lease. But then when the rules were drafted, we were supposed to go forward and follow the rules and regs, right.

Program Coordinator: That's correct.

Chairwoman P. Fejeran: Ok. I don't see, I mean I'm looking at this Arial and the property has been really developed. Right? I don't even see anything in here that says, you know upon termination to occupy they have to return the land back to its original form.

Administrative Director: Right.

Chairwoman P. Fejeran: I'm concerned about that.

Legal Counsel N. Toft: **in audible**

Chairwoman P. Fejeran: Oh. So, then the initial rules and regs I see that the recommendation from the director to issue a cease and desist letter. I just wanted to get his *inaudible* from legal counsel. What is our, what are our options in light of Public Law 33-95?

Legal Counsel N. Toft: Well, I agree with the recommendation that we should possibly do the cease and desist to decide whether or not we want to have this enter the commercial portfolio of the CLTC land for leasing or licensing. **in audible**

Chairwoman P. Fejeran: Ok. Ok.

Legal Counsel N. Toft: The board may have to decide what it wants to do with this property. It could also be cleaned up eventually. It's in a nice area, it just needs a lot of...cleaning. By the overhead. I think by the fact it is a recycling center it makes things pretty messy right now.

Chairwoman P. Fejeran: Yeah. Ok, well, the commission want to issue the, yeah, cease and desist?

Commissioner A. Duenas: Do we know why they kept getting authorization? No lease.

Program Coordinator: I'm not sure why.

Commissioner A. Duenas: Ok. Kind of strange.

Chairwoman P. Fejeran: It is very...first it was the 2006, so, this was thirteen years using Land Trust property. For nothing.

Commissioner A. Santos: For nothing.

Chairwoman P. Fejeran: It's, I think it's time we put our foot down and say, no we got to do this the right way. Can't use our property.

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

Chairwoman P. Fejeran: Yeah.

Legal Counsel N. Toft: But it looks like they, from the 2006 letter that the recycling came to the Trust or came to the commission and asked for a commercial license and at the time said we will just hand you this authority to operate until we get the commercial program up and running, and then nothing ever happened in the next thirteen years.

Chairwoman P. Fejeran: mmm...

Legal Counsel N. Toft: Just slipped through the cracks. ****inaudible****

Chairwoman P. Fejeran: Ok, again my concern is we offer them a cease and desist, and then the Trust gets stuck cleaning.

Legal Counsel N. Toft: I think either way, well there's one way you look at it is if you go through with it and have a provision in the bid that it is an as is condition and or we can put it in the bid.

Chairwoman P. Fejeran: It would require...

Legal Counsel N. Toft: It would require clean up. As part of the bid process.

Chairwoman P. Fejeran: Ok. Can we hold the Global Recycling responsible?

Legal Counsel N. Toft: I don't think so, but the fact that there's no feasible license actually ****inaudible**** contract here

Chairwoman P. Fejeran: Yeah...

Administrative Director: That's the reason why I didn't want to act, not sure whether it's a financial liability.

Chairwoman P. Fejeran: You know it's again and again we have cases brought to the commission that are years and years ago when things were not done appropriately, and it just causes way more problems cause now we're sitting here with this property. Who is going to clean it up? Never, they paid to make use for the land, but hey.

Commission A. Santos: We have to...

Legal Counsel N. Toft: Almost Twelve...

Chairwoman P. Fejeran: Thirteen acres?

Administrative Director: Is there anything we can do to the interim, to you know speak to Global Recycling, explain our concern about, you know that process and their cooperation.

Commission A. Santos: We can put seven applicants.

Chairwoman P. Fejeran: At least twenty-six?

Legal Counsel N. Toft: I mean what does the board want to do with this property. That should be a decision.

Administrative Director: Do they want to continue recycling operations in that area? Is that something or if you want to cease that kind of operation.

Chairwoman P. Fejeran: Well I think the first would be to cease and desist for the current occupant. If the commission would make that motion, then, but then we would have to explore if it's commercial, how would it affect the commercial inventory limits. And then also to declare it commercial. What are we foregoing terms of residential because they've got utilities there.

Legal Counsel N. Toft: Access.

Chairwoman P. Fejeran: Access. So.

Administrative Director: Right next to the golf course.

Legal Counsel N. Toft: **inaudible**

Chairwoman P. Fejeran: Yeah. Looks mostly graded, already.

Legal Counsel N. Toft: Either way the step would be to issue a cease and desist letter.

Chairwoman P. Fejeran: Yes, agreed.

Legal Counsel N. Toft: Cause whether it's negotiations approval whether it's an eviction and proceed with Residential or stick to commercial or, **inaudible**

Administrative Director: We can provide you with an impact study or report.

Legal Counsel N. Toft: Right.

Chairwoman P. Fejeran: Right.

Administrative Director: What exactly would be both sides of the isle, right? Continue or discontinue? This would give the board an opportunity to review that impact and then...

Chairwoman P. Fejeran: I'd appreciate that.

Administrative Director: Make a better decision.

Chairwoman P. Fejeran: Yeah, thank you. I'd appreciate that. Be on the hook or cleaning it up.

Administrative Director: Ok.

Commissioner A. Duenas: Motion to issue a cease and desist sixty or ninety day...

Chairwoman P. Fejeran: Maybe ninety.

Commissioner A. Duenas: Issue a ninety day cease and desist letter to Global Recycling for Lot number 10122-13 in the Municipality of Dededo.

Chairwoman P. Fejeran: Ok a motion has been made.

Commissioner A. Santos: I second it.

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

Commissioners: None.

Chairwoman P. Fejeran: Ok, all those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Ok the aye's have it. Ok, the commission will look forward to, I guess what the director calls like an impact study. Right? If we...

Administrative Director: Impact report.

Chairwoman P. Fejeran: Yeah and I look forward for the future use. I hope in your consider for residential you also give us how many residential lots we can create there.

Administrative Director: Sure.

Chairwoman P. Fejeran: Also, what, if this, if this facility is closed and never to reopen, what impact would that have on Guam's recycling efforts? Ok, alright, thank you. Next item on the agenda is Kwikspace Guam.

Administrative Director: I'll have Mr. Cruz present.

Chairwoman P. Fejeran: Thank you.

Program Coordinator: Quick Space has been paying the Trust, two thousand, seven hundred annually for some time already. The issue that we're having with is that, because they're paying, they have no lease agreement or any type of document that we can use to substantiate their paying the Trust. So, it's been a, not an audit finding but ****inaudible**** so, in the packet the aerial photo of the area they're utilizing it's a...

Administrative Director: Can you pull up the lot? The Lot is 114A.

Program Coordinator: 114B.

Administrative Director: Oh B. 114B-2

Land Agent T. Tainatongo: Can you just speak up a little louder? They can't hear you.

Program Coordinator: On May 14, 2008, GEDA submitted a letter to CLTC requesting for approval from CLTC a grant of easement to Guam Ancestral Lands Commission. Kwikspace is a lessee of the Guam Ancestral Lands Commission. So, the little portion of property that they use, they use it to park their trucks. It's, the easement would be for a sixty-foot-wide by a one hundred sixty-five-foot-long piece of property at the ****inaudible**** which equals to one hundred eighty-three dollars and ninety-four cents monthly. Or two thousand seven hundred dollars and twenty-eight cents annually. Which they have been paying the two thousand seven hundred dollars and twenty-eight cents annually. On June 25, 2008, the board then approve the request from GEDA. A right of way easement was prepared but not finalized. ****inaudible**** was never signed.

Administrative Director: Do you need the lot number again?

Land Administrator M. Borja: 114-3

Administrative Director: 114-3 B-R

Legal Counsel N. Toft: Just south of that. South east corner.

Administrative Director: So, ok. Try your best to identify the area that we're talking about.

Chairwoman P. Fejeran: So, where is Kwikspace?

Program Coordinator: To the left of that...

Chairwoman P. Fejeran: That right there? Are they encroaching in our property? In the back?

Program Coordinator: No.

Chairwoman P. Fejeran: The top?

Administrative Director: Like that whole top there is encroaching. There's the line right there.

Chairwoman P. Fejeran: And that whole thing is Land Trust property?

Program Coordinator: Yes ma'am.

Chairwoman P. Fejeran: Infrastructure? In a residential area? There's access, I'm sure those have power, right there. Oh, the basketball court is right there? Ok.

Commissioner A. Duenas: Where the river is, a portion of this.

Chairwoman P. Fejeran: It is encroaching. The right a way easement payment they're making.

Program Coordinator: Yes ma'am. Sixty-foot-wide by a hundred sixty-foot east of our property.

Chairwoman P. Fejeran: I don't see it; I mean it could be...

Program Coordinator: It could be more.

Chairwoman P. Fejeran: Yeah. But if it's, so for the easement that you have is here 999.7 square meters, you have twenty cents a meter. Which is about six cents a square foot, right? Three feet to a meter. Where on this island you ever get that kind of rates for property?

Legal Counsel N. Toft: Well it's not a rental it's a...

Chairwoman P. Fejeran: So, what's the difference? I don't see a difference.

Legal Counsel N. Toft: We still have control and rights; they just allow the access. It's different from a licensing lease.

Administrative Director: And this is still thirty-three, ninety-five, right?

Chairwoman P. Fejeran: But for all intent and purposes, basically a lease. Calling it a different thing, right?

Legal Counsel N. Toft: A lease implied, exclusively, so, if they had a lease to it, they can prevent from using it as well.

Chairwoman P. Fejeran: But since it's an easement...

Legal Counsel N. Toft: If it's an easement, CLTC maintains control of it. They just have to allow the Kwikspace to ****inaudible****

Chairwoman P. Fejeran: And the portion that I'm seeing on this map in the packet looks like it's all, it still, it's not being used? I don't know it's a, please verify the encroachment. You know I see in the Administrative Director but it's a request from GEDA on behalf of Kwikspace. They mentioned that Guam Public School System has property right by. Can you check that out?

Legal Counsel N. Toft: Just from the south, I think. Rios Middle School. It's a...

Unknown: To the right used to be the old school.

Legal Counsel N. Toft: That's Jose Rios. It looks like based on 2008 a letter for the easement, stated that Kwikspace stated that they wanted access from Marine Corps Drive using their very, very large trucks because of the overhead power lines. So, the suggestion was, and I think the reason is there's a river there.

Chairwoman P. Fejeran: Oh, there's a bridge.

Legal Counsel N. Toft: It's a decent river, it's a small...

Land Agent J. Casem: It's like dried up.

Chairwoman P. Fejeran: Oh yeah, I see. Awesome.

Administrative Director: There's my home.

Chairwoman P. Fejeran: There's my home.

Administrative Director: My old stomping grounds that's why.

Land Administrator M. Borja: It's the houses.

Administrative Director: Is that GSA?

Land Administrator M. Borja: GSA is in the corner.

Legal Counsel N. Toft: GSA is in the lower left corner and that's the fire house right there.

Land Administrator M. Borja: Then the warehouses.

Program Coordinator: Send Ancestral a letter.

Administrative Director: Yeah.

Legal Counsel N. Toft: They would have to take a look at the property and see if any feasible for the purpose. Make a decision on it and also address the encroachment issue.

Chairwoman P. Fejeran: Yeah. I'd appreciate that and then I guess in your site visit you can report to the commission why they haven't issued leases there and maybe there are property that were issued leases. Kwikspace is current with their payments?

Program Coordinator: Yes ma'am.

Chairwoman P. Fejeran: So, we're taking their current payments to mean that they still want to use it?

Program Coordinator: Yes ma'am.

Chairwoman P. Fejeran: Alright.

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

Chairwoman P. Fejeran: Yeah, yeah.

Program Coordinator: We'll verify.

Chairwoman P. Fejeran: So, so, the commission has not made any decisions on it, we're just asking to, for you guys to do a site visit and report back.

Program Coordinator: Yes ma'am

Chairwoman P. Fejeran: You know I understand it's \$2,700 a year, which is about six cents a square meter, but it's a tiny little drop in our revenue stream. Again, I think this one of those cases where it came prior to this commission and I don't think that, I don't think the mission of the Trust is, I don't know. It's a little frustrating but thank you for bringing it up to us and I hope we can come to a resolution with more information. This has been signed in our audits. Ok, ok, thank you.

Legal Counsel N. Toft: It might not be feasible for anything else. ****inaudible****

Chairwoman P. Fejeran: Yeah.

Administrative Director: I think that's the reason why we haven't issued property in that area because the river, the red line.

Chairwoman P. Fejeran: Oh, I see.

Administrative Director: The "Y", yeah.

Chairwoman P. Fejeran: I see.

Administrative Director: It's been a challenge the area is heavily populated, I mean dense, vegetation is really dense, the river.

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

Administrative Director: Yeah, the river.

Chairwoman P. Fejeran: Who keeps the property on top of Marine Drive so nice? The Mayor?

Land Agent T. Tainatongo: The Mayor.

Chairwoman P. Fejeran: The Mayor, like a...

Administrative Director: They're doing some construction on it now, tore up the entire place.

Chairwoman P. Fejeran: Next to the basketball court?

Administrative Director: Oh yeah, they pushed the basketball court, they took it out of the ground. So, I'm wondering why they

Legal Counsel N. Toft: I can't remember if it's there or not, but I know it's
inaudible

Administrative Director: Yeah.

Legal Counsel N. Toft: It's further up.

Administrative Director: I'll take a look when we do our site inspection.

Chairwoman P. Fejeran: Next to the basketball court.

Administrative Director: Ok. I know I can't see the church from the road.

2. REMAX – REQUEST FOR EASEMENT

Chairwoman P. Fejeran: Alright, thank you. Umm...let's see, next under new business is request for easement from Remax. So, in our packet there's a letter, Director will you be presenting this?

Administrative Director: Yes, so, we received a, I'm going to bring it on the google earth, well there...

Legal Counsel N. Toft: It looks a lot clearer on google earth.

Chairwoman P. Fejeran: Oh yeah. It does look clear

Legal Counsel N. Toft: Yeah.

Administrative Director: You guys go ahead and pull up the subject lot for the Remax request.

Chairwoman P. Fejeran: Block 4 Lot 3-3NEW Tract R2? I think the, Lot 7,2.

Administrative Director: So, the May letter request basically access through CHamoru Land Trust Property to get to a private piece of property that is currently leased. Remax is trying to negotiate sale. They met with Land Management and it would involve a lessee, Ms. Mc Donald, Remax did attempt to contact Ms. Mc Donald and she indicated that she was Land Trust lessee, and so, the request came forward to us if we can grant access to through them. It's a, I believe it's supposed to be granted as a easement so that they can continue to bring infrastructure in because they were going provide for this private property. Like a home development.

Chairwoman P. Fejeran: Ok.

Administrative Director: So.

Chairwoman P. Fejeran: Yeah, can you show us on the map where...

Administrative Director: Yeah, the...

Legal Counsel N. Toft: At the top, that lot just before **inaudible**

Administrative Director: The river is at.

Legal Counsel N. Toft: Just before it hits the...

Chairwoman P. Fejeran: So, sorry, which one is Land Trust?

Legal Counsel N. Toft: The one near the cursor. That one, right.

Chairwoman P. Fejeran: Ok, that's Land Trust property.

Administrative Director: And the little sliver, is identified to the north of it. That's supposed to be...right there. That, that's supposed to be, yeah. What they're asking for.

Chairwoman P. Fejeran: That is Juan Rivera Road, is the one that comes over? So, that's an existing easement, the one that's in red?

Legal Counsel N. Toft: No red's the river.

Chairwoman P. Fejeran: Oh, red's the

Legal Counsel N. Toft: No, the...

Administrative Director: Oh, the sliver? Yes.

Legal Counsel N. Toft: The top of the red line that goes across.

Administrative Director: No, John there's a green line that goes across. There, yeah, that's pretty much it.

Chairwoman P. Fejeran: And then the property that Remax needs access, that's asking access to Lot 452, that bigger one?

Administrative Director: Correct.

Legal Counsel N. Toft: That one right there.

Chairwoman P. Fejeran: That one. So, the, that, red...easement, that's an existing easement? Is there a road there already? It's not a road?

Legal Counsel N. Toft: No.

Chairwoman P. Fejeran: Ok, so, there would be, they're asking...Is there a road on the bottom?

Land Administrator M. Borja: Yup, that's why we were wondering why they can't just go through existing easement, that's already there. John, highlight it.

Administrative Director: Well it's dedicated as an easement. But there's no, it would, you see why, they would have to build, they would have to connect further, they would have to make it all the way from that point, come in from the road rather than have access that is at bottom.

Chairwoman P. Fejeran: Can you show us?

Administrative Director: That's the reason why they are asking, right.

Chairwoman P. Fejeran: What's that?

Administrative Director: Instead of coming in down here, they would have to, you know, they would have...

Chairwoman P. Fejeran: Yeah, that one. That's not developed either. Ok.

Administrative Director: So, they're coming in around...Where's Juan Rivera? Can you show Juan Rivera? Cause they're coming in, they said that they tried to come in there, but it wasn't feasible.

Land Agent J. Casem: It might be a private, the greens are all private.

Administrative Director: Yeah.

Land Agent J. Casem: Except they're coming in there coming in private, sorry.

Legal Counsel N. Toft: I think Juan Rivera's the one that comes in through the, near the south end of the top east. Right there.

Administrative Director: So, they're coming in there. That's where, and they were saying that the bottom there's a GHURA, or I believe there's a GHURA housing project it cut off, they cut off and they get through there.

Legal Counsel N. Toft: That's a little further away.

Chairwoman P. Fejeran: So, who, Ms. Mc Donald.

Administrative Director: Maria Yatar Mc Donald

Chairwoman P. Fejeran: Maria Yatar Mc Donald? Where's her lease? Ok, so she's not the one whole thing? Oh, it is the whole thing? Ok.

Land Administrator M. Borja: So, basically the same situation we did up in Inarajan, remember. We went through Mercy's property to give the private land owner access because his original access what's not ****inaudible****

Chairwoman P. Fejeran: Yeah and in they're letter... Do we have any representative from Remax here?

Administrative Director: Unfortunately, no.

Chairwoman P. Fejeran: Is the property that Ms. Mc Donald on is registered?

Legal Counsel N. Toft: No, it's not.

Administrative Director: No, it's unregistered.

Legal Counsel N. Toft: So, the issue with registration. One it shouldn't have been leased out, but as far as easements go, it's not necessarily a problem. Again, easements are not a ****inaudible**** for reasons explained earlier. The thing is doing anything with an unregistered government property is always hesitant to give, because it's always certain and final, like registered property is. The property owner comes in at some point and I found this whole feed that

“grandfather owns this land and I’m doing a case to put it under my family’s name. If we try and fight it and we lose then maybe forced to ****inaudible**** on the lot during that time. Or at least, then the landowner is the one that has to renegotiate the easement.

Chairwoman P. Fejeran: So, if the Trust wanted to...

Legal Counsel N. Toft: It could, the Trust

Chairwoman P. Fejeran: Create a lease there.

Legal Counsel N. Toft: The person should know that it’s unregistered and that there may be potential consequences in result to that.

Administrative Director: So, they were saying the easement that it was cut off and they built already. There you see where the...yeah. That’s what cut off his legal access to his property. So, that’s why they’re seeking to come in at Juan Rivera. Off of Juan Rivera. It’s the hundred foot by forty-foot-wide public easement.

Chairwoman P. Fejeran: In their letter they just put that they reviewed all the available easements and they explored all available easements and it was decided that the most feasible would be...

Administrative Director: Right.

Chairwoman P. Fejeran: Through our property. I want to ask them why not the other one down there.

Administrative Director: The person would have to build, it would be a further distance in order to access his property rather than this one, that’s why they are going for the one that’s...

Legal Counsel N. Toft: I remember they said something about the number of bridge, each bridge that they have to build. Being about a hundred fifty thousand dollars in cost. There’s a better easement compared to the other one, there’s a lot of...it’s kind of a big drop down, topography.

Chairwoman P. Fejeran: Ok.

Legal Counsel N. Toft: On that part. On the north end it’s not, it’s kind of flat.

Chairwoman P. Fejeran: Ok.

Administrative Director: I believe we had a discussion as to whether we could or could not issue a granted, yeah.

Legal Counsel N. Toft: I think we have the legal ability to do so, but it’s the buyer that has the more serious decision to make as to whether it’s comfortable it’s the governments of this claim to the land.

Chairwoman P. Fejeran: So, the, the, their request is that we give them that small portion connecting the existing, over into his property.

Legal Counsel N. Toft: Not to give it to him, no. Allow them to cross.

Administrative Director: One hundred feet by forty.

Chairwoman P. Fejeran: And in their letter they said...

Legal Counsel N. Toft: It to be deemed public access or utility easement.

Chairwoman P. Fejeran: And he's going to pave and bring in utilities, all the way in there?

Administrative Director: Yes.

Chairwoman P. Fejeran: Is that private property? I heard you mention. So, is there Land Trust property, that one.

Legal Counsel N. Toft: Yes. The big lot to the right. That is the private lot, if you can see...

Chairwoman P. Fejeran: And to the left, is private also?

Land Administrator M. Borja: Possibly.

Administrative Director: What is it three, one? What's the nearest after it? Four, seven, two? Is CHamoru Land Trust property.

Administrative Director: Three, one, nine?

Land Administrator M. Borja: 319 is Pagachao but...

Administrative Director: Ok, I see it...

Legal Counsel N. Toft: To the right is vertical. Big river valleys.

Chairwoman P. Fejeran: I mean, isn't this similar to the Quik Space? Right of way easement.

Legal Counsel N. Toft: Right. It would be almost, yeah.

Chairwoman P. Fejeran: And are they willing to pay for it?

Legal Counsel N. Toft: Presumably, I mean they are seeking to open the top side. Seeing whether it's feasible or not.

Administrative Director: Would you like us to come up with...

Chairwoman P. Fejeran: Well I think we need to know, what are we looking at here, and also, they say that Ms. Mc Donald is ok with it, but I think we need to reach out to her as well to how that would impact her. And then, sorry, see that connecting to the bottom of that one, where does that go?

Legal Counsel N. Toft: There's a road just left of that, comes off of route two, I think that's the one right about there, yeah and that right a way in between.

Chairwoman P. Fejeran: So, the yellow down there, is that Land Trust?

Land Administrator M. Borja: Yeah.

Administrative Director: Everything in yellow is ours?

Chairwoman P. Fejeran: Everything in yellow.

Administrative Director: There!

Chairwoman P. Fejeran: Hey, looks, but I guess cost effective wise they said the northern easement is better. But the southern easement, if they got paving and utilities in there, they would actually help benefit our lessees.

Administrative Director: Yeah.

Legal Counsel N. Toft: I think there's coming to, pass the Jahovan Witness Church and then there, curls along there for a little way, so, they may have already had it. I'm not a hundred percent sure, that's something to take a look at.

Administrative Director: I'll schedule a site inspection in the area.

Legal Counsel N. Toft: Yeah, see it's paved up to that.

Chairwoman P. Fejeran: I see. Can you follow that up? Yeah, thanks.

Legal Counsel N. Toft: So, it does go into Ms. Mc Donald.

Chairwoman P. Fejeran: Ok, so that...what look like Ms. Mc Donald.

Administrative Director: Ok. Yes ma'am.

Chairwoman P. Fejeran: Also, since she's leasing unregistered property, I think we need to address that as well.

Administrative Director: I believe 472 wasn't in our list, right?

Legal Counsel N. Toft: I'm not too sure, we have a lot of unregistered properties

Administrative Director: Currently 472 wasn't...

Chairwoman P. Fejeran: One of the priorities. Yeah, because it's just the ones...

Administrative Director: Maybe in 2020.

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

Chairwoman P. Fejeran: Impactable. Ok.

Administrative Director: Ok, so, we'll have information for the next meeting.

3. CONSTITUENT MATTERS

Chairwoman P. Fejeran: Thank you. Alright, moving on our agenda, constituent matters. The first in our packet is for Christine Diane Roberto. Do

we have a Land Agent? Do we have a list of who is here so we can jump to them?

Land Agent J. Casem: Mr. Salas ****inaudible****

Chairwoman P. Fejeran: Ok. Mr. Michael Beven Salas please. Ok, in our packets we have staff report. So, Mr. Salas location is at Tract 9210, Block 24, Lot 4 in Yigo. It is a residential lease, surveyed, ok, so...hi, hafa adai sir.

Mr. Salas: Hafa adai.

Chairwoman P. Fejeran: Hi, if you can state your name for the record.

Mr. Salas: Michael B. Salas.

Chairwoman P. Fejeran: Michael B. Salas, ok. Jhoana if you could just present.

Land Agent J. Casem: Yes. We have Mr. Michael Beven Salas before you today, coming before the board Mr. Salas did go into a lease agreement in 2003. However, he was unable to sign the lease, he did survey the property, and that is done under the Duenas and Associates with 196FY2003. So, he is here today requesting for a reprint of the residential lease so that Mr. Salas can go ahead and move forward and sign on his part.

Chairwoman P. Fejeran: Oh.

Land Agent J. Casem: Yeah, he was unable to sign it back then for whatever reason.

Mr. Salas: ****Inaudible**** while I was on extended leave, my family had to move me out of the way. So, I had the original lease, it got lost when they packed me up. When I came back, Mr. Quan gave me the lease I just didn't have time to...

Chairwoman P. Fejeran: To come in and execute it. So, so, it's an unexecuted lease?

Land Agent J. Casem: He hadn't signed it. The property has been surveyed at his expense.

Chairwoman P. Fejeran: Ok, are you currently occupying? Or are you...

Mr. Salas: I don't have access to it.

Chairwoman P. Fejeran: Oh.

Mr. Salas: I know exactly where it's at, I was there with the surveyor.

Chairwoman P. Fejeran: Survey, ok. Ok, so, I guess...we wouldn't back date it, right? It wouldn't be a reprint; it would be issuing the new lease.

Land Agent J. Casem: Yes.

Chairwoman P. Fejeran: For today's date. Ok.

Mr. Salas: I also have a question.

Chairwoman P. Fejeran: Sure

Mr. Salas: What I was told, see where the corner, there's supposed to be access there? Through there **inaudible**

Administrative Director: What we're doing sir, we are working on a case by case basis with DPW to try and get these easements, there are environmental requirements for opening of a new easement. That they have to...

Mr. Salas: Creating.

Administrative Director: We have to follow. We are really trying but we have taken into consideration everything when we do issue a lease and start making the contacts now DPW so they can start surveying the area, we're looking at in at least to see what they can do. To see if they can try to open it, so, and you have my commitment to working with DPW to this respect.

Mr. Salas: There's power and water there, it's just...

Administrative Director: Right

Mr. Salas: There's no access.

Administrative Director: Right.

Chairwoman P. Fejeran: There's power and water?

Mr. Salas: Yes.

Chairwoman P. Fejeran: Wow, that's wonderful.

Commissioner A. Santos: Very fortunate.

Chairwoman P. Fejeran: Very fortunate.

Mr. Salas: Well on that road, that one road with that block on it, there's power and water,

Chairwoman P. Fejeran: Yeah ok.

Mr. Salas: Just no access.

Chairwoman P. Fejeran: And the property that's in the front, that's already leased out?

Mr. Salas: Yes.

Chairwoman P. Fejeran: Ok.

Mr. Salas: The property fronting going to my property, there, that was originally that was mine. My other half's property but she switched properties. So...I wasn't in time to...

Chairwoman P. Fejeran: To get that one.

Mr. Salas: Yeah.

Chairwoman P. Fejeran: So, that one has already been leased to somebody else?

Mr. Salas: Yes

Chairwoman P. Fejeran: Ok, do we have Mr. Salas's folder? Thank you. That was Quan? Quan our employee?

Mr. Salas: Yes, Alan Quan.

Chairwoman P. Fejeran: And you're a nineteen ninety-five applicant?

Mr. Salas: I was 233

Chairwoman P. Fejeran: 296 actually.

Commissioner A. Santos: How come he didn't sign the lease?

Chairwoman P. Fejeran: Cause he had to go off-island. Was...I just want to see the lease first. Ok, so the director did sign at the time. Just wasn't executed on your part. But you did, invested in a survey.

Mr. Salas: I had both those properties.

Chairwoman P. Fejeran: Oh, I see. And does that property still have Mr. Salas's name on it? It was basically reserved for him.

Land Agent J. Casem: Yes.

Commissioner A. Santos: Is he ready to build?

Chairwoman P. Fejeran: Are you ready to build?

Mr. Salas: I will put something on it.

Chairwoman P. Fejeran: Ok. Any questions or...

Commissioner A. Duenas: He already invested in it.

Chairwoman P. Fejeran: Ok.

Commissioner A. Duenas: Do we know if anyone else has interest in this property?

Administrative Director: The subject property?

Chairwoman P. Fejeran: No, I think it sounds like ever since 2003 he had...

Administrative Director: Because it was already reserved for him.

Chairwoman P. Fejeran: Yeah.

Administrative Director: We didn't make any other commitments, yeah on it.

Commissioner A. Duenas: Ok.

Commissioner A. Santos: Six years, right.

Commissioner A. Duenas: So, we would be issuing a new lease?

Legal counsel N. Toft: Yeah.

Commissioner A. Duenas: Ok. A motion to issue a lease to Mr. Michael Bevin Salas for Tract 9210, block 24, lot 4, in Yigo for Residential property.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: A motion made and seconded it. Just for clarification this is for a half acre or less. Property, right?

Commissioner A. Santos: Hurry so he can start building.

Chairwoman P. Fejeran: Ok, further discussion?

Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Ok, the aye's have it. Motion passes, so...

Administrative Director: Thank you Mr. Salas

Mr. Salas: Thank you.

Chairwoman P. Fejeran: Yes, thank you for coming...

Mr. Salas: Thank you very much everybody.

Chairwoman P. Fejeran: Thank you, you too.

Administrative Director: Madam Chair, I just want to make some comments at this time. If we are going to adjudicate the other two that are here, then, take a small break, before the next portion.

Chairwoman P. Fejeran: Ok, this is for a residential lease. Lot 10141-1-1-2, Dededo. John Taimanglo Palomo, December 7, 1995 applicant.

Land Agent J. Casem: So, madam chair, before you we have Ms. Maria Cruz Palomo, she is coming in requesting to add her son to the current lease. Due to there is currently a Guam Housing loan on the property. They do have a house there and they have inquired with Guam Housing, refinance of her home. Also, before proceeding to refinance with Guam Housing, Guam Housing is requiring that the son be added to the residential lease. There is a letter in here from the son, and Ms. Maria's current situation, you know, that he be added so they will go ahead and refinance their current Guam Housing loan.

Chairwoman P. Fejeran: Ok, Hafa adai Ms. Palomo can you state your name for the record.

Ms. Palomo: Maria Cruz Palomo.

Chairwoman P. Fejeran: Thank you for today, ok, I do see the affidavit from yourself and your son. I know in past years the commission was putting multiple names on leases, I know like spouses, married couples' names on one lease, but it's been common practice to only have one name on the lease, in recent, at least in my tenure here. Legal Counsel, can you talk us through this?

Legal Counsel N. Toft: Well the primary reason we were limiting it to one person is the beneficiary take over issue. To have two people on a lease can be unclear. If one dies or both, there are all sorts of potential complications. So, maybe if...

Land Agent J. Casem: Currently the Beneficiary is the son...

Legal Counsel N. Toft: Is Ronald?

Land Agent J. Casem: Yeah.

Chairwoman P. Fejeran: Oh, it's the same son?

Legal Counsel N. Toft: Roland, I mean.

Chairwoman P. Fejeran: Roland, ok.

Legal Counsel N. Toft: So, it may be best to, if we are going to add him to the lease then to have him also fill out a beneficiary form as well. So, that we clear up any potential problems in case there are circumstances.

Chairwoman P. Fejeran: So, since she already designated him as the beneficiary, and then he's added to the lease, he would designate his own beneficiary?

Legal Counsel N. Toft: Right, because it, you know.

Chairwoman P. Fejeran: Oh, I see. If he passes away, she's still on lease, but...

Legal Counsel N. Toft: Prior to, yeah.

Chairwoman P. Fejeran: He's beneficiary will now be on the lease? Is that what you mean?

Legal Counsel N. Toft: that would be something we want to clarify with her at the time of his passing if he dies before she does. They would want to contact her immediately and ask her if she would want to designate a beneficiary or, you know this is...the problem is the matter as far as the descendant's rights, so, it would be dependent on CLTC to recognize when that happens and act immediately to you know eliminate the loophole. That would occur in that instance.

Administrative Director: We can provide a, the agency could provide a what steps to take in this situation when another lease is added to the SOP, to further mitigate what you're saying, so. But the agency can, because other than her coming forward how would we know of any death, right? So, we can give them instructions ahead of time, you know, if it should happen, we have it on record, that, you know, they should be contact.

Legal Counsel N. Toft: That would be fine.

Chairwoman P. Fejeran: That would be fine? Ok, I know this would set precedence for future lessees, want to add people.

Legal Counsel N. Toft: I think it would be a case by case basis.

Administrative Director: Yeah. I believe with the legal counsel that we should do it on a case by case basis.

Chairwoman P. Fejeran: I agree.

Legal Counsel N. Toft: There are reasons like they can't get along, you know some sort of *inaudible* circumstances out there.

Chairwoman P. Fejeran: Ok...Ok, so, as it sounds her son is the beneficiary to the lease and she wants to add him to the lease so they can refinance her loan, home loan.

Administrative Director: They still have the follow-on action, they still have to bring the financing to us for a guarantee that portion, so that's something apart of the follow-on action.

Chairwoman P. Fejeran: Ok.

Land Agent J. Casem: They're aware, they're were here at the last board meeting just to get a feel of how things go, but they're aware. Also go through Guam Housing get the proper, you know, information, and they do know if they get approved then he would have to come do his paper works and so forth.

Chairwoman P. Fejeran: Ok.

Commissioner A. Duenas: Motion to add Ronald A. Cruz to...

Legal Counsel N. Toft: Roland.

Commissioner A. Duenas: I'm sorry Roland, Roland A. Cruz to the residential addendum lease of Maria C. Palomo for Lot 10141-1-2.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Ok, motion made and seconded I, discussion I just want to put further that this is for the special circumstances for the purpose of Ms. Maria Cruz Palomo to refinance. Ok, any further discussion?

Commissioners: No

Chairwoman P. Fejeran: None? Ok, all those in favor?

Commissioners: Aye.

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

Ms. Palomo: Thank you.

Chairwoman P. Fejeran: Thank you Jhoana will work with to get him added to the lease and then you can move forward with Guam Housing.

Ms. Palomo: Ok.

Chairwoman P. Fejeran: Ok. Thank you for coming.

Ms. Palomo: Thank you.

Administrative Director: Madam Chair, we have one final request. A person that 's on the lease but is unable to make but they have a ****inaudible**** he would appreciate it if you can hear his case.

Chairwoman P. Fejeran: Ok.

Administrative Director: It's the matter of Donny J. Tainatongo

Land Agent J. Casem: So, the case of Mr. Donny J. Tainatongo, he was actually, or his wife was pre moratorium, but he just wants a reversion back to him.

Chairwoman P. Fejeran: Pre moratorium or switch?

Land Agent J. Casem: Well it was a pre moratorium but because of the action itself we did advise him that it had to be reverting because it was not an applicable you know; it was a switch. So, before there was no issuance of lease

Chairwoman P. Fejeran: Oh, so...

Land Agent J. Casem: Yeah. So, he's now, he's the actually original applicant.

Chairwoman P. Fejeran: Ok

Land Agent J. Casem: So, number one he is requesting he's an original residential applicant; however, he does own property, his request is to change from residential to agriculture and an issuance of an agricultural lease. His property was surveyed, and he did a retracement. In the back you will see the map that was done by Mr. Raymond A. Cruz for Lot 505 Merizo under 192FY2012 and has been recorded with Land Management under 843671. So, requesting for a change of application type and agricultural lease, given that it does get approved.

Chairwoman P. Fejeran: So, was he issued a survey authorization?

Land Agent J. Casem: Yes.

Chairwoman P. Fejeran: So...

Land Agent J. Casem: Prior to...

Chairwoman P. Fejeran: Ok, so then he invested in the survey, got it done but that was when it was under his wife, I guess.

Land Agent J. Casem: Yes, because he owned residential, you know the, you know, the transfer to the wife because he owns property. But because that action is actually not applicable to the law, we advised him to switch back to become the original applicant so, it has been reverted it was at the last meeting, the board approved the reversion to go back.

Chairwoman P. Fejeran: Ok. But when we first identified this property it was for residential.

Land Agent J. Casem: There's residential to an agricultural in the area.

Chairwoman P. Fejeran: Can we see?

Legal counsel N. Toft: ** Inaudible**

Land Agent J. Casem: It's right there in the back, that one big lot, one single house, all the way up north. To the left, left. Left, left. Right there! One big...next door.

Chairwoman P. Fejeran: That one. Oh no, it's at the corner. Yes. Ok, is Mr. Tainatongo a farmer? Cause this is going to be an agriculture.

Land Agent J. Casem: No

Chairwoman P. Fejeran: Does he have a farm plan?

Land Agent J. Casem: No not at time.

Commissioner A. Santos: He just switched.

Land Agent J. Casem: If he is able to retain a residential, because he is originally a residential applicant, he did ask if that could be possible. So, I advised him that we will request from the board, but given that he does own a home, that's the reason of being he is requesting to switch over to agriculture.

Chairwoman P. Fejeran: Yeah, for residential, he is priority two so, but it has been a work around those whose date and time is up, they are priority two residential they can make a request to switch to agriculture. When was this property...

Commissioner A. Santos: Recently.

Chairwoman P. Fejeran: I guess not surveyed but, was there a notice of intent to award? That said, hey we got a property for you.

Land Agent J. Casem: No, he was one of the December applicants that came in and we were working with him for quite some time.

Chairwoman P. Fejeran: To Identify a property?

Land Agent J. Casem: Yeah. So, there were other properties that were presented to him, but I believe because he had a preference for the south, he is from the south, so this is one of the properties that did find within our inventory.

Chairwoman P. Fejeran: Ok. I see it's a several years in the making. I mean we don't, we don't have, it's been a common practice to allow changes in application types, right? It's not disallowed by the law, right there's...

Administrative Director: I don't see anything.

Chairwoman P. Fejeran: Allow it.

Administrative Director: Allows it.

Chairwoman P. Fejeran: Well, what does the commission want to do? I mean he has invested in the property, you my, he's a December 4th, 1995 applicant,

Commissioner A. Duenas: So, roughly we are just changing the applicant type?

Chairwoman P. Fejeran: Do we approve the switch? We have to approve the switch by a motion.

Legal Counsel N. Toft: I don't think you have to approve the switch by motion if you just approve the agricultural lease issuance.

Commissioner A. Santos: Go ahead and approve it.

Chairwoman P. Fejeran: Do you want to make the motion, Tan Amanda?

Commissioner A. Santos: No, he mastered.

Chairwoman P. Fejeran: Ok.

Commissioner A. Duenas: Motion to approve agriculture, agricultural lease for Mr. Donny J. Tainatongo, for lot 505...

Land Agent J. Casem: Merizo.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Motion made and seconded it to approve the agricultural lease. Further discussion?

Commissioners: None.

Chairwoman P. Fejeran: None.

Commissioner A. Duenas: ****inaudible****

Chairwoman P. Fejeran: Yeah.

Administrative Director: ****inaudible****

Commissioner A. Duenas: Ok.

Chairwoman P. Fejeran: And are the utilities within a hundred feet?

Land Agent J. Casem: Yes, the house right next, yeah is one of the subdivision areas that I believe was one of the land for the landless area but some of the properties were returned back then. Not part of this current one.

Chairwoman P. Fejeran: Ok, so, the discussion is that we need to some real follow up in compliance. Just a moment, so.

Land Agent J. Casem: We will go ahead and request for a farm plan prior to us issuing the lease so that at least it is in the file. Farm plan, I'll explain it to him.

Chairwoman P. Fejeran: Ok, and also, we can put it on our radar that in a year, we go out and do a site visit to make sure that he's following terms of the lease.

Administrative Director: Ma'am I do realize we are up, the time right now.

Chairwoman P. Fejeran: Yes.

Administrative Director: We do have one additional person that did show up, so.

Chairwoman P. Fejeran: Ok, yes please. I'd like to...

Land Agent J. Casem: Mr. August Guerrero.

Land Agent T. Tainatongo: I'm sorry, a motion hasn't passed yet. You didn't say all in...

Chairwoman P. Fejeran: I think we...

Administrative Director: Yes, yes, I wrote it down.

Chairwoman P. Fejeran: The aye's have it.

Administrative Director: The aye's have it.

Land Agent T. Tainatongo: Did you?

Chairwoman P. Fejeran: Ok, I got it.

Land Agent T. Tainatongo: I only got the discussion.

Chairwoman P. Fejeran: Ok, August Christopher Guerrero. Hafa adai, so...Ok we the case, Mr. August Christopher Guerrero. This is tract 15213 Block 5 Lot 5-2-07 in Mangilao. Ok, hafa adai hi Mr. Guerrero, I remember you did visit us this year?

Mr. Guerrero: Yeah.

Chairwoman P. Fejeran: For one of the, John, can you?

Land Agent J. Gumataotao: So, I think he personally took place of previous occupant or occupant, but they were granted Lot number 5-2 and 5-1 was granted to another part of the Feha family, mainly Valerie and a Michael.

Chairwoman P. Fejeran: Ok.

Land Agent J. Gumataotao: Valerie was relocated from 5-1, and Mr. Guerrero is going to assume or try and get a lease for 5-2, under the pre-occupancy status. And you take a look at the staff report I included photos, GPS of Mr. Guerrero's claim that he was preoccupying.

Chairwoman P. Fejeran: So, 5-2 is currently not leased out?

Land Agent J. Gumataotao: No.

Chairwoman P. Fejeran: And that's the property that he is requesting?

Land Agent J. Casem: Previously when the family came in they were requesting for Valerie to be on, so it would be Valerie on 5-1, and then there was a Michael Arriola on 5-2, and through the findings after, we found that Mr. Guerrero was actually on 5-2. So, we would put Valerie out, and put him on the 18, because that lot became available, and move Mr. Arriola up to 5-1.

Chairwoman P. Fejeran: Ok.

Land Agent J. Casem: So, we didn't see Mr. August there, so he was no where at the time and after the fact that we went out we found that he was on 5-2. So, everyone kind of like moves out where they were.

Chairwoman P. Fejeran: And so those were the moving of Valerie and Michael already approve to get a lease at the board level?

Land Agent J. Casem: Just Valerie. Here we're going to present the 5-2 under Mr. Guerrero and Mr. Arriola on 5-1.

Chairwoman P. Fejeran:

Land Agent J. Casem: Yes. The Michael Arriola ****inaudible****

Chairwoman P. Fejeran: Oh, so we are looking at this at a one case.

Land Agent J. Casem: Yes

Chairwoman P. Fejeran: Two parties involved, ok, and is Mr. Arriola here?

Land Agent J. Casem: We did call yesterday, but I don't see him here.

Chairwoman P. Fejeran: Mr. Arriola agreed to be moved to the Lot 5-1?

Land Agent J. Casem: Yes. He understands as well.

Chairwoman P. Fejeran: Ok, and you don't currently own property? Do you own any property?

Mr. Guerrero: Yes.

Chairwoman P. Fejeran: Do you own property?

Mr. Guerrero: Yes, up in Yigo. I didn't own.

Chairwoman P. Fejeran: You're living there right now.

Mr. Guerrero: Yes.

Chairwoman P. Fejeran: Ok, so, Legal Counsel, I remember the Feha family, big family. Big part of the...big property. And we found that the Feha's were pre occupier status. So, his application date and time is basically irreverent?

Legal Counsel N. Toft: Yeah.

Chairwoman P. Fejeran: Also, his priority status as a landowner?

Legal Counsel N. Toft: Yes, because the pre occupier part of the rules and regs doesn't take priority into account.

Chairwoman P. Fejeran: Ok. So, if his status as a pre occupier, has the place been surveyed yet? And are you prepared to survey?

Mr. Guerrero: Once you say go.

Chairwoman P. Fejeran: Ok.

Commissioner A.Santos: Is that under residential?

Chairwoman P. Fejeran: Yes, and then Michael Arriola, he is married to a Feha descendant.

Commissioner A. Duenas: Motion to relocate Mr. Michael Arriola from Lot 5-2 Block 9, tract 5213 Mangilao to lot 5-4, Block 9, Tract 5213 Mangilao.

Chairwoman P. Fejeran: Motion has been made...

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: and seconded it.

Land Agent J. Casem: And an issuance of a lease.

Chairwoman P. Fejeran: Oh, for the relocation that would be an issuance of a new lease. Sorry.

Commissioner A. Duenas: Is that for Mr. Arriola?

Land Agent J. Casem: So, it's actually an issuance request. An issuance of a lease.

Commissioner A. Duenas: Ok.

Chairwoman P. Fejeran: So, Mr. Arriola was never issued a lease for 5-2?

Land Agent J. Casem: No.

Chairwoman P. Fejeran: Oh ok, I see so it wouldn't...

Land Agent J. Casem: **inaudible**

Commissioner A. Duenas: So, are we just relocating?

Land Agent J. Casem: Well, we are issuing the lease.

Commissioner A. Duenas: Ok.

Chairwoman P. Fejeran: You like to...

Commissioner A. Duenas: Ok. Amend my motion?

Chairwoman P. Fejeran: Withdraw. Just withdraw.

Commissioner A. Duenas: Yeah, I will withdraw my motion. So, motion to issue lease to Mr. Michael Arriola for Lot 5-1 Block 9 Tract 5213 Mangilao.

Commissioner A. Santos: I second it.

Chairwoman P. Fejeran: Ok, motion made and seconded it. Further discussion?

Commissioners: None

Chairwoman P. Fejeran: I just want to reiterate that we received verbal confirmation that Mr. Arriola is ok with this new location.

Land Agent J. Casem: He has actually come in **inaudible** then he would be on the Agenda.

Chairwoman P. Fejeran: Alright, further discussion?

Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Ok, motion passes.

Commissioner A. Duenas: And then motion to approve a lease to August C. Guerrero for, sorry, Lot 5-2, Block 9, Tract 51213 Mangilao.

Commissioner A. Santos: I second

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

Commissioners: None.

Chairwoman P. Fejeran: Ok, all those in favor?

Commissioners: Aye.

Chairwoman P. Fejeran: Motion passes. Ok, so, I hope this is the last of all the beautiful intriguing Feha cases that we deal with.

Mr. Guerrero: ****inaudible****

Chairwoman P. Fejeran: Ok.

Mr. Guerrero: ****inaudible**** Thank you very much.

Chairwoman P. Fejeran: Ok.

Land Agent J. Gumataotao: I have a question regarding the do you recall the brother Ken Guerrero was listed here on public comment and he ask that he be put on the agenda and it is for his son. Unfortunately, Ken wasn't able to make it to today's meeting but he was aware and we were trying to the place the son Gabriel under lot number 5-3. Which...

Land Agent J. Casem: 5-R2.

Land Agent J. Gumataotao: I'm sorry R2, which on the Arial is actually a residence. There are actually two homes and attached by roof and the claim would be for the left side of August.

Chairwoman P. Fejeran: Ok, we'll bring it to the commission when it's ready. Ok, thank you. I'm sorry we are a bit over I think I would like to table. And Tan Amanda just went to the restroom. Yeah, can we take a five-minute recess?

Recess

Chairwoman P. Fejeran: Ok, I would like to call this Land Trust commission? Commission meeting back to order. Before we move on to the next item on the Agenda, I'd like to reopen our public comment section for an individual that has made it here and I would like to afford him the opportunity to address the commission. Is that ok with my commission?

Commissioners: Yes.

Chairwoman P. Fejeran: Thank you. Hi sir, please come forward. Hafa adai sir. Welcome, please state your name for the record.

Mr. Borja: My name is Macarthy J. Borja.

Chairwoman P. Fejeran: Macarthy J. Borja. Hafa adai and how can we help you, Mr. Borja.

Mr. Borja: I don't know how your procedure goes but I was texted by my sister off-island, she has my phone. I have been living here since 93, but my application is 03. I guess they, I'm in the wrong lot.

Chairwoman P. Fejeran: Oh no.

Mr. Borja: Yeah, so, the field agents came and showed me where I'm at, so what I'm trying for is like two acres I'm gonna ****inaudible**** residential will be

fine. So, that's what I'm applying for. What held me back was ****inaudible**** which I have proof.

Chairwoman P. Fejeran: Ok.

Mr. Borja: ****inaudible****

Chairwoman P. Fejeran: Ok, and you been working with Mr. Glenn Eay?

Mr. Borja: Yes, just recently.

Chairwoman P. Fejeran: Ok. Glenn's not here. Oh, there you are. Hi, can you just fill us in on Mr. Borja's case.

Land Agent G. Eay: Well, basically, I went out there because there was somebody squatting, within his, supposedly his property. So, that's when I met him a couple of weeks ago. The first time, I was just there.

Mr. Borja: I called him

Chairwoman P. Fejeran: Oh, you called him.

Land Agent G. Eay: Yeah, he called me and so, when I initially went there I saw his wooden structures, newly built, he put a lot of money in it and all the frame work and sides the roofing and sidings, and stuff like that. So, I waited for the individual to come in to see if I could talk to them, so, I stayed about thirty minutes, then I left. An hour later the sister calls from back there, so, I went and I asked them, I says, I identified myself and everything, and after they says, the mother had a LUP, but they vacated in the early nineties, and, so, today she still claims that's the rightful place and her mom wrote a letter that is, she is giving her authority to occupy the lot place where they were land use permit. But...

Chairwoman P. Fejeran: Ok, this is a third party.

Land Agent G. Eay: So, I did my field work and my GPS and everything, now what Mr. Borja's claim is that he had two acres but that was back then and now it's subdivided. So, everybody's properties have half acre property. So, that's why he's probably here today to ask two acres before he may have had it but before there was issues regarding his.

Mr. Borja: No, I'm not asking two acres.

Land Agent G. Eay: Not even agriculture

Mr. Borja: Just residential.

Land Agent G. Eay: Right.

Mr. Borja: ****inaudible****

Chairwoman P. Fejeran: So, you don't...Does he have a lease, currently?

Land Agent G. Eay: No, he doesn't.

Chairwoman P. Fejeran: Ok, but you are occupying.

Mr. Borja: Right.

Commissioner A. Santos: He's a pre occupier.

Land Agent G. Eay: So, he's here today, he told me he had proof that he qualified for the property, so I says great, come down to our office and visit us and we can take a look at your documents.

Chairwoman P. Fejeran: Ok.

Land Agent G. Eay: Let's qualify you.

Mr. Borja: I'm trying but it's pretty hard to move ****inaudible****

Chairwoman P. Fejeran: Ok.

Land Agent G. Eay: So, this is why he's here today, I gues.

Chairwoman P. Fejeran: Ok.

Commissioner A. Santos: He's applying for a lease?

Land Agent G. Eay: Yeah. That's why I asked him to come down and see but I guess he skipped all that to go before the board. I said it's fine, you know. Let's do that.

Mr. Borja: I'm sorry for ****inaudible****

Land Agent G. Eay: No, no.

Chairwoman P. Fejeran: Not at all, we, I'm glad you're here. I imagined it took a long effort to get here and we want to afford you the opportunity to be heard. And I recommend that you continue working with Glenn, you go through the process, so, we can resolve it and get you a lease if it works out. If you're unable to attend, yourself, there's a way can, I guess give power of attorney to a relative that you trust, that you come and pick up documents for you, or...

Mr. Borja: Yeah, I will that to my sister.

Chairwoman P. Fejeran: Oh, ok. Oh ok, ***inaudible**** is your sister?

Mr. Borja: Yeah.

Chairwoman P. Fejeran: Yeah, so...

Land Agent G. Eay: She called me about ten o'clock this morning, off-island, so, she just left last week.

Mr. Borja: Yes.

Land Agent G. Eay: And she says my brother might be coming in, I says ok, one o'clock. When she called me up, I said I'm not sure but...he's here, I'm glad.

Chairwoman P. Fejeran: I'm glad. You're living on the property.

Mr. Borja: I have plants

Chairwoman P. Fejeran: Plants.

Mr. Borja: I'm farming.

Chairwoman P. Fejeran: Oh ok.

Land Agent G. Eay: He lived there over thirty years.

Chairwoman P. Fejeran: Oh wow, that's great. We want to make sure we have all the right documents in, so that we can reach that issuance of the lease.

Mr. Borja: Yes, thank you very much.

Chairwoman P. Fejeran: Yes, ok. Thank you, Mr. Borja. Thank you, sir. Alright, so, this, did that conclude our regular meeting for August 15, yes. Can I have a motion to adjourn?

Commissioner A. Duenas: Motion to adjourn.

Chairwoman P. Fejeran: Motion to adjourn. This regular meeting is now adjourned.