



*Eddie Baza Galvo*  
Governor of Guam

*Ray Tenorio*  
Lieutenant Governor of Guam

Commission Members

*Pascual V.A. Sablan*  
Chairman

*Joseph I. Cruz*  
Vice Chairman

*Amanda L.G. Santos*  
Commissioner

*Gyongyi "Pika" P. Fejeran*  
Commissioner

*(Vacant)*  
Commissioner

*Michael J.B. Borja*  
Administrative Director

# Chainorro Land Trust Commission

(Kumision Inangokkon Tano' Chamoru)

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## COMMISSION MEETING MINUTES

Department of Land Management Conference Room  
3<sup>rd</sup> Floor, ITC Building, Tamuning  
Thursday, August 18, 2016, 1:00 pm – 5:05 pm

### I. CALL TO ORDER

Meeting was called to order at 1:00 pm by Chairman Pascual Sablan

### II. ROLL CALL

Present were Chairman Pascual Sablan, Commissioner Amanda Santos, Commissioner Gyongyi "Pika" Fejeran, Legal Counsel Kristen Finney and Administrative Director Michael J. Borja.

### III. APPROVAL OF MINUTES – June 16, 2016

Commissioner Amanda Santos moved to approve the Minutes of June 16, 2016. Commissioner Pike Fejeran second the motion. There were no objections, motion passed.

### IV. PUBLIC COMMENTS

1. **Natasha Cruz** represented by her father, **Ted Cruz**: Ted Cruz, Natasha's father, she could not get out of work as the school just started today. What we are asking is for a name change on the lease so she can move forward to build her house.

**Commissioner Pika Fejeran**– I think you work with your representative, right?

**Chairman Pascual Sablan** – She has a niece already and wants to relinquish it to her.

**Administrative Director Michael Borja** – She wants to turn it over to her niece.

**Chairman Pascual Sablan** – Natasha needs a survey?

**Administrative Director Michael Borja** – No. Because you are not supposed to change anything on the lease for seven years and we are changing the lease within that seven year period from one name to another. She wants to give it over to her niece and so we are just looking to get the commission's approval for doing that because it doesn't meet the seven year requirement. But we've qualified her, she's fully qualified for the

Chamorro Land Trust applicant lessee. We are not changing the land we are just changing the name on the lease.

**Chairman Pascual Sablan** – What happened to the lessee? The original Lessee?

**Ted Cruz** – My mother passed away and I was the beneficiary, I turned it over to my two sisters, and I have my own land. I was told when I was the beneficiary; before I even got the land I even asked I am the beneficiary of one land they told me, oh it's okay, than I was told, that I had to give up one or the other so I transferred everything to my sister. So my sister got married she has her own house and everything, and she doesn't really have time to go to the land so I told her, I said, give it to one of the kids because I'm the only one who has kids. My daughter is the one who is trying to build a house on the land. She went to the bank and the bank said it won't build on a land trust land so she's going to Guam Housing right now.

**John Gumataotao (CLTC)** – Just a recap to what he said. Because the sister has a private residential structure or home, she doesn't qualify under this Chamorro Land Trust application for residential but because she already received her lease, the niece, she is ready to build a house if she wants to go to the motions of the Guam Housing Corporation, it is the only institution who can finance on government land.

**Commissioner Pika Fejeran**– I have two questions. Your sister has already provided all the documentation, our records is showing she wants to relinquish her lease?

**Ted Cruz** – Yes mam, all the documents are there already.

**Commissioner Pika Fejeran**– M second question is, the seven year alienation, why is that, I have not seen that?

**John Gumataotao (CLTC)** – It's more part of the benefits granted under the lease where there's a seven year tax exemption and there's a two year requirement requiring the lessee to build on the land and it's already been, like I said, three years, because we haven't met the seven year period, it's the commission's judgement/decision to transfer the lease within that seven year alienation.

**Commissioner Amanda Santos** – Why only seven?

**Administrative Director Michael Borja** – The seven year is in the public law?

**Margarita Borja (DLM)** – Public Law 23-38. Does not allow until after the seven years. I'm not sure what section it is, but it's in there. What it is they got to hold on to it for at least seven years. If the request comes in before the seven year period for emergency purposes only it would have to get approved, so it's up to the board in case if it's emergency. It's allowable but it's upon the board.

**Chairman Pascual Sablan** – OK you understand John.

**Ted Cruz** – Yes, I understand.

**Chairman Pascual Sablan** – and you have submitted all those documents to Chamorro Land Trust.

**Ted Cruz** – All the documents are submitted already sir.

**John Gumataotao (CLTC)** – It's basically just seeking the board's/commission's approval to transfer the lease rights from Maria Camacho to Natasha A. Cruz, and we wouldn't be asking this if Natasha Cruz does not meet the qualifications. She's meet all the qualifications as a regular applicant.

**Commissioner Pika Fejeran**– I'll make a motion to approve the relinquishment from the lease holder to your daughter.

**Commissioner Amanda Santos** – I second.

**Chairman Pascual Sablan** – A motion was made by Pika Fejeran second by Amanda Santos. Any comments? No. Those in favor say aye.

**Everyone** : Aye. Thank you.

## **2. Atanacio A. Cruz**

**Administrative Director Michael Borja** – The other person Anatacio came in. Atanacio Cruz, Anita Cruz

**Chairman Pascual Sablan** – Please state your name.

**Atanacio A. Cruz** – Anatacio A. Cruz , Anita A. Cruz

**Chairman Pascual Sablan** – What can we do for you?

**Atanacio Cruz:** I have a land lease up in Yigo and I want to share with my sister half acre, give her at least half if we could.

**Chairman Pascual Sablan:** You have two acres land and you want to (interrupted).

**Atanacio Cruz:** Share half of that to my sister because she don't have no place to stay.

**John Gumataotao (CLTC):** Just need to provide information on the lease, he has a Chamorro Land Trust lease for agricultural purposes in Yigo for two acres, Ms. Cruz has a residential application, however, she was not given a property, the brother is willing to

relinquish one acre of his two acres to the sister. However, anything above half acre is required also by the Chamorro Land Trust Commission to get approval.

**Administrative Director Michael Borja** – Was the original lease based on the land use permit?

**John Gumataotao (CLTC)** – Yes because he was.

**Administrative Director Michael Borja** – In the past, what happened, he preoccupied the land? In the past, the commission had approved these kinds of division of lands for the person who came aboard not because of the Chamorro Land Trust but because he had the land previously. However, had he given the land directly from the Chamorro Land Trust, the commissions never approved the subdivision of the lot to be allotted to someone else.

**Chairman Pascual Sablan** – But are these agriculture lease?

**Administrative Director Michael Borja** – No, no but he does have Chamorro Land Trust leased out because we had to give him one because he was in *Arendo* because under the land use program he is certified as being the prior occupier of the land prior to the creation of the Chamorro Land Trust Commission and such we had to give them the lease for the land they were using at the time so he is asking to subdivide that land. Now in any kind of subdivision we had to comply with whatever our subdivision law is in dividing the land to ensure that there's an adequate access to both lots so one cannot be land lock.

**Commissioner Amanda Santos** - So they could share now that? He could share it with the sister?

**Administrative Director Michael Borja** – In the past we had done that too so the land use permit, originally the land use permit, land users. We never allow it unless they got the approval of the commission. It was not something the director would approve, and that's what we didn't do the last time. So we have just, not long ago, we had some individuals who took a very large lot and divided it into four. The brothers were on it and the two sons were added on.

**Commissioner Amanda Santos** – What place is that?

**Administrative Director Michael Borja** – Dededo

**Chairman Pascual Sablan** – I remember that. You have any suggestion?

**Commissioner Pika Fejeran**– Question. So your intension is to live on the lot that your relative gave you? To build the house on it?

**Anita Cruz:** I built the house already and I'm farming on the lot.

**Commissioner Pika Fejeran:** Are you currently living there or is it strictly for farming, the portion you want to keep.

**Atanacio Cruz:** I used to live there but then I gave it to her.

**Anita Cruz:** We've been farming the land.

**Atanacio Cruz:** Everything is fruiting since 1980.

**Commissioner Pika Fejeran:** Would there be a problem if it is subdivided? Is it a problem to change her lease to residential?

**Administrative Director Michael Borja:** or it can still be agriculture if they are allowed to build a house.

**John Gumataotao (CLTC):** It's a different requirements that are met for agriculture and residential. For agriculture he has to farm at least 70% of the land which if relinquishes an acre to the sister or even a half acre he still has an acre and half to work with the 70% so it's far less to get the CLTC to approve the relinquishment of either a half acre or one acre of this original two acre lease and then to amend the lease to give whomever.

**Commissioner Pascual Sablan:** So what is your intension, you're going to give your sister half of it or what, half acre or what?

**Atanacio Cruz:** Yes, she prefer acre and I'll keep the other half since I have two. One each.

**Commissioner Pika Fejeran:** One acre each.

**Chairman Pascual Sablan:** You have two acres?

**Atanacio Cruz:** Yes sir.

**Chairman Pascual Sablan:** So you cut it in half so you get one and your sister get one?

**Atanacio Cruz:** Yes sir.

**Chairman Pascual Sablan:** John, done the survey ready and everything?

**Administrative Director Michael Borja:** They want to be required to do the survey to subdivide the lot in accordance with the subdivision law and it will be their responsibility before the lease is to be executed.

**Chairman Pascual Sablan:** ok!

**Chairman Pascual Sablan:** Do you have any question?

**Commissioner Amanda Santos:** It would be nice if he could give the sister one acre that would be a good idea.

**Chairman Pascual Sablan:** It's good idea to give the sister half?

**Commissioner Amanda Santos:** One acre, one each.

**Commissioner Pika Fejeran:** Sounds like a motion.

**Chairman Pascual Sablan:** Okay

**Commissioner Pika Fejeran:** Moved. 1 second

**Chairman Pascual Sablan:** A motion has been made by Mrs. Santos, second by Commissioner Pika Fejeran to approve the request of Mr. Atanacio Cruz. Ok Mr. Cruz, John.

**John Gumataotao (CLTC):** Thank you sir.

**Chairman Pascual Sablan:** Thank you

**Atanacio Cruz:** Thank you everybody.

**Chairman Pascual Sablan:** Who's next?

**Administrative Director Michael Borja:** Is Melvin Duenas around?

**Margarita Borja (DLM):** He's here.

**Administrative Director Michael Borja:** Jacob Iriarte. Go ahead and states your name for the record and then explain what you are here for.

**3. Jacob Iriarte:** Good afternoon, mam sirs. My name is Jacob Iriarte and my purpose for being here is to try to continue farming in the property that was authorized and approved by the Chamorro Land Trust in 1995 when I applied. I was deployed several times and I was not able to follow through so every time I came back, Chamorro Land Trust, I don't know who the administration was at that time I do know all the personnel there. They said they will take care of the paperwork, they did allow me, I'm sorry, I had to turn off the nervous button. Anyways, April 30, 2001 before I deployed I applied, they approved, authorized for me to have a temporary water hook up and power hook up so I went ahead and build a pedestal on this. You don't mind if I pass out the Power Point presentation? This will give you an idea of where the land is located at and they do have it on the screen.

**Commissioner Pika Fejeran:** I just have a question before you move on. Do you have a lease or is that the issue?



**Jacob Iriarte:** You know that was the issue, right is that in 1995 Chamorro Land Trust, it's not a playing game, we're not here to debate or argue. They said they will take care of the paper work and I said you know okay. So they had approve/authorize me to occupy so I've been farming and raising my animals there. I also left a storage container with a lot of my equipment but when I deployed and came back all the stuff were gone my power meter was they took all of the copper they took all of my equipment my farm equipment and of course unfortunately water was disconnected I don't want to just ahead but hey those were the things were happening and I really wasn't expecting to be here but I'll go with the flow and just requesting if you can approve me to farm continue farming and raising my pigs they had offered me a residential lot the only reason why I paused on that is because I currently have several a lot of pigs and I know that public health is very strict a pigs do have a foul odor I'm working on it as far as going to the proper procedure and guidelines....

My farm included and of course unfortunately the water was disconnected. Those were the things were happening and I really wasn't expecting to be here but I'll go with the flow I'm just requesting if you can approve me to continue farming and raising my pigs, they offered me a residential lot, the only reason why I am on that is I do have several pigs and I know that public health is very strict pigs do have a foul odor I'm working on it as far as went to the proper procedure and guidelines on how to construct a proper piggery as you all know everybody complain about the smell so I want to try to prevent that or minimize that. The only way for me to continue is that I try to obtain a lease to get the power and water. They do approve the water and power. I have water hooked up but then again I left so they disconnected and then I came back and then after this past deployment I came back to ask if I can get a temporary hook up until we get this matter straighten out so I don't have no control over unfortunately I was denied; maybe not denied but on hold.

**Commissioner Pika Fejeran:** Who told you to come here and get a valid lease?

**Jhoana (CLTC):** The thing is the area that Mr. Iriarte is occupying is unregistered so although he has been in the premises you know for quit sometime the area is unregistered which means we are unable to give him a lease and also a survey map for him to go and pursue in survey so he did advise us to there is a meter that was put there prior but due to his absence on island I believe was cut off so when he tried to go and try to hook due to our instability you know we can't give him leased on unregistered or survey that's the only reason why Mr. Iriarte is unable to go ahead and hook up a water even though there is a meter there. So he has been requesting that is possible avenue for him to hook up the water but that's something he hadn't done that due to the area being unregistered.

**Commissioner Pika Fejeran:** Were you on that land prior to your application?

**Jacob Iriarte:** Yes. I just wanted to... in '95 that came up with that application and I went in and apply and they asked me the option weather you want the agriculture or residential I said I requested for agriculture to continue doing, farming. Then CLT said they are going through the transition of a transfer of authority from Dept of Agriculture to CLT. I didn't know anything, I honestly didn't know anything about it I said okay so they said okay go ahead and continue farming and a we will take care of the paper work so again you know time lapsed again I was able to obtain a temporary approval for water and power they did approve it there

is are utility poles there and there are water pipes two inch water pipes that go directly to property. It is surveyed however it's under (inaudible) all that section there is broken up to nine acres from what I've learned and again I'm not looking for residential I'm more concerned with the farming because even with herbicide spraying with chemicals. I didn't want to affect the neighboring properties which I know some areas right now it has become an issue and I'm trying to prevent that from actually happening, you know, in my case.

**Administrative Director Michael Borja:** Jhoana, does he have an application on file?

**Jhoana (CLTC):** yes

**Administrative Director Michael Borja :** What's the date on the application?

**Jhoana (CLTC):** February 1996

**Administrative Director Michael Borja:** February '96? Is he a land use permit (inaudible) or anything or (inaudible) agriculture, anything on file for that, do you recall ever getting anything?

**Jacob Iriarte:** I just got back from active duty.

**Administrative Director Michael Borja:** I know but prior to you using the land, you're using the land because the Department of Agriculture had grant you that land?

**Jacob Iriarte:** Yes

**Administrative Director Michael Borja:** You have any proof of that documentation?

**Jacob Iriarte:** You know sir if I had known than what I know now, it was all verbal.

**Administrative Director Michael Borja:** Do we have any kind of documentation from the Department of Agriculture on their previous leases?

**Jhoana (CLTC):** I haven't checked on regarding the listing of all the (inaudible)

**Administrative Director Michael Borja:** You need to check on that. Do you have the mayor's certification?

**Jacob Iriarte:** Yes sir

**Administrative Director Michael Borja:** So you've been there since before 1995?

**Jacob Iriarte:** '91 actually

**Commissioner Amanda Santos:** In Dededo?



**Administrative Director Michael Borja:** Was this Mataguac?

**Jacob Iriarte:** Actually this is the boundary that divides Dededo into Yigo.

**Administrative Director Michael Borja:** The Mataguac area?

**Jacob Iriarte:** Yes sir.

**Administrative Director Michael Borja:** So it's unregistered land. I know we are going to have another individual here and we've been approached by an individual who has been out in that area as well for a while and the problem with unregistered land is we're prohibited by law in issuing leases until the land is registered so we are trying to look at a way for these individuals who have been farming there for years and years and years and through either the Department of Agriculture or land use permit to have some kind of authorization to continue for them to use the land and that authorization in some way hope fully we can work and make arrangement with Guam Waterworks and even Guam Power Authority for them to be able to have something, because there is an issue with the utilities and being able to provide services for people. They should have a legal authority to use the land as the lease, they should have a survey to depicts the area and where the easements are and that's the requirements that they need to have and we are pretty much trying to honor that all the way, I don't know if we have any kind of survey maps or master plans of the area.

**Margarita (DLM):** There's recorded map.

**Administrative Director Michael Borja:** There's a recorded map of property?

**Margarita (DLM):** For the (inaudible)

**Administrative Director Michael Borja:** That's a recorded map?

**Margarita (DLM):** It's 10-20

**Administrative Director Michael Borja:** Of an unregistered land?

**Margarita (DLM):** Yep. Aha!

**Administrative Director Michael Borja:** Ok. So you know if you want we will work on trying to find a way to get this issue resolve for the time being until we get the land registered to these lots. Formally.

**Margarita (DLM):** Sure

**Administrative Director Michael Borja:** But the issue here is it might be a February 1996 applicant if it proves that he's a prior user again, you know, we're been able to overcome that.

**Chairman Pascual Sablan:** At the same time I'm not going to ask Mr. Iriarte to move out, you know, from the place but he should go through, like others, you know, try to get some documents and coordinate it with the Department of Agriculture.

**Administrative Director Michael Borja:** What I'm about to point out commission, is that this unregistered land, we've been asking for budgets to include the process to allow for us to do the surveying and the registration of lands and it was denied in the last year's budget and in accordance with the substituted bill introduced yesterday for the 2017 budget we been asking for, it's been denied again. So this is an issue where it's going to become extremely difficult for us to even move forward in this matter for land registration processes as well as land survey without the funding we've been asking to have. Now the funds are available but they haven't given us the appropriation to do it, you know. We'll work with Mr. Iriarte in trying to figure a way to make this work for him and in the interim but as far as the former lease goes we are going to have a difficult time issuing one on unregistered land. Now, there do exist leases on unregistered lands that were given prior to in very early years and those issues are of concern which we have to deal with. But we are not going to go kick those people off because they are using it and there's no zoning so we have to deal with those kinds of issues as well.

**Chairman Pascual Sablan:** How many years you know to allow it to stay here and then and when that time comes we, again I don't want the Chamorro Land Trust to get stuck also you know.

**Administrative Director Michael Borja:** We have to be careful too I mean the authorization isn't going to allow what we want to allow him the water and power, that's what we have to figure out. We don't know but we do have a map that will (inaudible) that help along the way because it provides – we have to work one on one with the individual and the utilities on these issues.

**Chairman Pascual Sablan:** I have a question Mr. Iriarte. This is a decent size property percentage wise, how much of it are you using?

**Jacob Iriarte:** Percentage wise sir, I say almost 75%. What I did was I planted several lemai trees which I'm trying to. There's lemai trees and pigs farm. The reason why I'm just concentrating on lemai trees right now and the *butu* trees (paused)

**Commissioner Pika Fejeran:** It's very unfortunate that you know in this grey areas that are hazard site but like the director said I think we can work individually the utilities.

**Administrative Director Michael Borja:** Moving forward, do you know we are going to finally have to have more discussions about the size of your land?

**Jacob Iriarte:** Yes, sir that's no problem. The water, the two inch lines are already right in front of the property the power poles are there on the property they are on site. As I said I was giving an authorization to hook up water and I was allowed I went ahead and hooked up water it was disconnected because some misunderstanding but I did, but as far as the utilities

there fronting the property I was relying on rain water actually to supply the pigs and transiting water from some areas to the animals.

**Chairman Pascual Sablan:** On this map where are you here?

**Administrative Director Michael Borja:** At the dot at the very end.

**Jacob Iriarte:** Right there is 299 meters in

**Chairman Pascual Sablan:** 260.99?

**Jacob Iriarte:** Yes sir it's approximately 260 meters in from Chalan Kota the main strip.

**Chairman Pascual Sablan:** For this you are occupying all these.

**Jacob Iriarte:** No, no sir. Just this area here. Just this area. So all of this is lemai trees and then the one and then the pigs.

**Chairman Pascual Sablan:** Thank you Jacob.

**Jacob Iriarte:** Thank you sir.

**Chairman Pascual Sablan:** So we show in the record that we entertained this concerns, you know, of the problem

**Commissioner Pika Fejeran:** I would like to make a motion to have the commission and the director to work directly with Mr. Iriarte first to get the documents necessary showing that he is rightfully on that property and then moving forward from there getting some kind of interim agreement with the utility companies until we are able to register, have survey and then finally issue out a lease. Again based on the documentation you provide in the beginning.

**Commissioner Amanda Santos:** I second the motion.

**Chairman Pascual Sablan:** Make sure the things like this whoever using the property don't soil the property is my concern. You understand where I come from?

**Jacob Iriarte:** Yes sir.

**Chairman Pascual Sablan:** So those in favor say aye.

**Everyone:** Aye.

**Chairman Pascual Sablan:** Ayes have it. Thank you.

**Administrative Director Michael Borja:** Get in touch with Jhoana.

**Jacob Iriarte:** Yes, thank you very much.

**Administrative Director Michael Borja:** Frank Cabrera. Please state your name for the record and explain what you are here for.

4. **Frank Cabrera:** Good afternoon sirs and mams. My name is Frank Cabrera and I'm from the village of Piti.

**Chairman Pascual Sablan:** What can we do for you?

**Frank Cabrera:** Back in March of 2011 my farm land was approved and I was asked by the then administrator of CLT if I like five acres in the Malojloj area to farm and I said oh wow that's great yea and okay he told me that I would have to have it survey so immediately I got myself a surveyor who starts surveying the property but the surveyor said that I would have to fork out half of the money to him before he start surveying so I fort up \$1,500. In the process of surveying the property the surveyor said Frank this is not farmland this is all rocks. This is all coral rocks. I said really, he said, yea if you want you can come down and look at it and look at it for yourself so I said okay I went down and looked at the property and sure enough it was basically really sharp rocks like you find on the you know going down to Yona beach with the sharp rocks and I said okay I guess I better go back to Chamorro Land Trust and see what they could do. So they offered to show me a property in Inarajan and I chose not to go down to Inarajan because it was like a mountain side and coming from Piti by the time I came down I was sleeping, you know, very sleepy. I said no Inarajan is too far from where I live so then he showed me, I forgot, where he showed me first, he showed me Agat another area which was next to a field that they were going build the southern, I guess, recreation center but in that area it was really, it would drop, and I think only maybe less than a half acre is really good for farming because it would drop again and they only according to the person they were sink holes there in that area, and they were a lot of I guess construction I guess a lot of cement that were thrown in there. I said they would be a lot of work for me to clean up. So I decided no and then the last one they showed me was a C&H farm area I forget next to some store there, I forget the name of the store, I'm not really familiar with the northern part, but when they showed me the area I was so happy because it was flat, nice and flat. So he showed me the area but after that there was no follow up, nothing.

**Chairman Pascual Sablan:** Not follow up from Chamorro Land Trust?

**Administrative Director Michael Borja:** Who were you working with?

**Frank Cabrera:** There were several agents, I guess, I mean there was a woman, a man. I don't remember names. I remember faces, and then I heard from David Camacho says Frank there might be a possibility that you know I might get something up on Barrigada Heights behind the old Revenue and Tax cause I guess you guys were in the process of surveying that area but he told me he might get less than five acres that you got. I said how much less and he said maybe two acre. I said I don't care, give it to me. I'm tired of waiting you know I'm tired of looking at sites plus I thought that area would be ideal because I felt it was much closer to me, you know from Piti going up there to Revenue and Tax behind that

area somewhere in Barrigada Heights. That again never happen. But I waited, I waited, and waited hopefully that something will happen, nothing happen. So now I'm here because I'm really tired of waiting, and my plan was authorize and I went out and spent \$1,500 I haven't gotten reimburse for that and if you want me I can bring Mr. Castro to verify or confirm that I paid him that amount to survey the property in Malojloj and he was the one who told me that that area was all rocky and I confirmed it because I went down and looked at it.

**Chairman Pascual Sablan:** I suggest friend that you come in and see the director and he can refer to one of the staff that can show you a place that is good for farming. Because it looks like you went to Inarajan and just to find out that the rocks are coming up. I don't know what's the problem.

**Frank Cabrera:** I did the water. There's no follow up from the Chamorro Land Trust.

**Chairman Pascual Sablan:** How about you following up?

**Frank Cabrera:** Well I, from what I heard in the follow up, you know me, checking they said, Frank it's really dangerous up there at night time because there's a lot of people I guess robbing I guess going into... I said oh my God. So in my mind I said ah maybe that's not a good area because I said if I'm not there everything I plant will be gone if they are coming in and stealing it than I will be depressed/frustrated.

**Chairman Pascual Sablan:** Have you seen the place that David Camacho mention to you?

**Frank Cabrera:** No I just heard it through him that I guess they were in the process of getting that property survey and that I said wow great I was so happy because I'm hoping, I was telling Dave, I'm hoping you guys get it survey and I hope you contact me and you know. I was just basically hopeful.

**Chairman Pascual Sablan:** Don't you want to go through that route as I said to see the director or the Chamorro Land Trust and they will be the one to show you what would be a good place.

**Frank Cabrera:** I just want a farm land that has easy access from it, I like to go to something close by.

**Chairman Pascual Sablan:** You're warning me now because if they assign you some place from Piti to whoever might fall asleep on the road and get accident.

**Frank Cabrera:** That's true and I don't want to fall asleep on my way to the farm. Maybe it took much longer because at the time I was going down, what was happening in the south, road construction so you have to slow down to the one side of the road and wait.

**Administrative Director Michael Borja:** We will have the land agent update Camacho and a way to get in touch with you too so someone can follow through on this. We did have some

changes, some of the land agent perhaps one of them might have files they were working with you and we'll (inaudible).

**Frank Cabrera:** Okay, great. Thank you so much.

**Administrative Director Michael Borja:** You guys have his contact information? Let's go ahead and we'll get your contact information. So we have your phone number assign so we'll work on it.

**Commissioner Pika Fejeran:** Thank you

**Administrative Director Michael Borja:** I think the next individual, I can't read the name, but Santos? Did someone sign up that we haven't called you yet? The other individuals on this listing are on the agenda.

**Chairman Pascual Sablan:** Okay. So we're done with public comments.

**Administrative Director Michael Borja:** Yes

## **V. OLD BUSINESS**

**Chairman Pascual Sablan:** Old Business

**Administrative Director Michael Borja:** You had asked to have the information from the previous agenda to be brought up to attach in your pamphlets to follow through.

**Commissioner Pika Fejeran:** Let me go down this way please

**Administrative Director Michael Borja:** Sure

**Commissioner Pika Fejeran:** Did you ever meet with the (inaudible)

**Administrative Director Michael Borja:** No we have not. Guam Racing Federation took care of the issues of the one right away of the number of financing. Joey, do you have anything on the Guam Federation, they provided a lot of detailed information because the results was being requested through the public auditor on this as well so we had a group of information coming in but they agreed to work on getting the typographical update just need to follow through with them on that, they did provide us the next day with the copy of insurance and certified documents of the lease and that they (inaudible) taking out (inaudible) Hawaiian Rock certified copies that they have with Hawaiian Rock.

**Commissioner Pika Fejeran:** Is that what the (inaudible).does? It match up with what was calculated or received from them?

**Administrative Director Michael Borja:** Yes, there's a certified copy.



**Commissioner Pika Fejeran:** Sorry for the Racing Federation, I think they also discussed their lease I guess inclusive of admissions loyalty?

**Administrative Director Michael Borja:** We explained that to them and they there still some issues on all that but they have worked out other things so we are still talking to them on resolving and they don't have very many (inaudible). So yea, that's one of the things we still (audible).

**Commissioner Pika Fejeran:** And we are also asking copies of the report they gave to GEDA?

**Administrative Director Michael Borja:** Did we get the Racing Federation report to GEDA?

**Commissioner Pika Fejeran:** I think we asked them when they turn it in to GEDA to give us copies as well. So these are still pending items?

**Administrative Director Michael Borja:** Yea. On the issue of the Department of Administration for transfer of funds, they continue to still do so I've asked. They been putting money back but they take money out and put money back without the notification. We had ask so we are going to accumulate the information since May and I'll have the discussion personally this time the records be submitted, the letter because we need to put them to notify us. On the funds for the survey as I mentioned to you earlier we did this resolution but now I think it's going to be time we need to act on it, especially line of the fact that it's not included in the budget. In fact the budget for Land Trust was cut back from even this fiscal year by \$400,000. I'll have that information to you. It cuts out a whole bunch of stuff we don't know what it does, I mean just the summary. On the concentration easement from Urunao Anderson, kind of put the action on hold even though we are still going to try figure an area (inaudible). The introduction of Bill No. 362 which we will discuss later on, it does actually create conservation easement in two different villages that includes part of that area that we wanted to do the (inaudible) limestone for that area. International Bridge Co. we met with Mr. (inaudible) and he agreed to move out from the site with full resolution that there's nothing owe to anyone we asked until February 2017 to complete the move, he's already moving things out and we are going to do site inspection to know what it looks like now and then do a final site inspection. I asked about spoiling of the land and he said he been keyed on that the only thing that remain or existing tires that they found on the site that they just stacked up in the corner of that area but he said these are not the tires that they use. He thinks they are the construction tires so they are moving everything out, and then any kind of other chemicals that they have there was a holding area for those specific (inaudible) that's under the protection to prevent leaking into the ground. Commercial lease, the resolutions for the three different lands that we approved in June meeting and submitted to the legislature June 24th and the 60-day review period August 23<sup>rd</sup>, so that's just next week. Once that's done we will be ready to start moving on some of the stuff. The one action that we want to talk about later on number 10 on the new business will be how we move forward on at least one of those lots. The copies of the resolution as attached.

**Commissioner Pika Fejeran:** Thank you

**Administrative Director Michael Borja:** Can we move Mr. Daniel Babauta to the beginning of the new business because he has to get back to work and then Mr. Francisco San Nicolas no. 3 we're closing out so we can go to no. 6 first and delete no. 3.

**Margarita (DLM):** That's okay. Mr. Babauta left already so you can go ahead.

**Administrative Director Michael Borja:** We will just go to him when we get to it so you can go to the one after. We will just call them in the same order.

**Chairman Pascual Sablan:** Mr. Mark Duenas.

## **VI. NEW BUSINESS**

1. **Stephanie:** Mr. Chair, I'm Stephanie Duenas I'm speaking on behalf for my brother Mark Duenas and my sister Cindy Terlaje.

**Chairman Pascual Sablan:** What can we do for you Stephanie?

**Stephanie:** My reason for being here today is because me and my two siblings we have a December 1995 residential lease for Lot 5402-R5new -17-6, 3, and 9 I believe in Mangilao we have been requesting for the easement to be done on the property and it has not been any easement done for the property for us to go to. It has not due to the fact that there is no easement to go to our property there was one time at one point we were allowed from Chamorro Land Trust applicant her name is Joan M. Jackson, she allowed us to pass to her property in Mangilao which is located next to our property in Mangilao for Chamorro Land Trust. She allowed us to pass through her property to go to our property and then later on she got irritated and didn't want us to pass through our property anymore. So since then we haven't been going there and doing anything to our property but we were requesting to be removed to another area due to the fact there is no easement. We are asking from the board if we can, if we can have assessment from the Chamorro Land Trust or any other government agency that can assist us with the easement if they can assist us then we will stay but if we are going to be place to another area and there, we're still going to have the same situation where we are going to have, you know, where there is not going to be easement again where we can't do anything to the property then it's going to be the same thing again where we go back to the same situation where we have to wait again because there is no easement and then I believe because there is no activity going on is we will be penalize if we don't do anything to the property so we just asking for the board for approval on that.

**Administrative Director Michael Borja:** Commissioner just a full disclosure, Stephanie is an employee with Chamorro Land Trust Commission so we advise that it's probably best if we discuss to a commission level. If you look at the areas map, it's attached, the problem we have here is that the easement that will lead to way up to these group of lots and her and her brother and sister are part of that red area. You will see in the middle of that easement there

is a house in the middle of it and that's the problem. So trying to move that house will be a whole other matter as well but what they are asking is either relocate them or open that easement.

**Chairman Pascual Sablan:** I broke this up in...( paused)

**Legal Counsel Kirsten Finney:** Sir I just want to clarify so the problem is that there's no easement, it's that the easement is being blocked.

**Administrative Director Michael Borja:** Correct. They can't use the easement because it's being blocked.

**Legal Counsel Kirsten Finney:** How long has it been?

**Administrative Director Michael Borja:** Unfortunate thing is when the survey was done the surveyor just put the easement right through the person's house.

**Margarita (DLM):** We didn't know the house was there.

**Administrative Director Michael Borja:** The survey didn't show the house was there.

**Chairman Pascual Sablan:** Is it via a concrete poles.

**Voice:** Wood and tin.

**Jhoana (CLTC):** The family had already been advised and they are willing to move given there's going to be available lot there and they are willing to move there the Duenas family main concern is that the access to their property is you know theirs is no, right after the house, because we visited there a couple of times, right after the house is just pure jungle and big boulders of rocks so in order for the family to, I believe Mr. Mark Duenas is already has already seek advisement from the mayor's office in regards to maybe there's any equipment that can assist in moving those boulders of rocks, but I believe he was not successful in that so their main concern is, you know, they wanted to stay there given that hopefully the assistant from Chamorro Land Trust or government can help in opening the easement so they can you know access the lots back there. And it could benefit the other individuals or the other families that may be in the area.

**Chairman Pascual Sablan:** Ms. ( inaudible) I know you're brother have to think sometime last year why you're not doing anything to coordinate something with this portion.

**Administrative Director Michael Borja:** He can't just move his house. We have to move the house and we don't have the money to do that kind of stuff.

**Chairman Pascual Sablan:** Stephanie this is nice piece of property have you ...

**Stephanie:** Yes, we've been there.

**Chairman Pascual Sablan:** You been there, how do you access?

**Stephanie:** We were accessing through Joan Jackson she gave us the approval to pass through her property we have to go to her property behind her house to our lot so we were going there several weekends and we started going there clearing up and stuff but then later on she got irritated and just didn't want to entertain us anymore and only to find out that she didn't want us to pass there anymore. I don't know what her reason was but she spoke to my parents and all my other families and all a sudden we were coming there and she just didn't allow us anymore to come to her property.

**Commissioner Pika Fejeran:** Is your place red rectangles?

**Stephanie:** It's from all the way top there to the one in the corner in the bottom that one was given away already to another applicant. So there's four from the top, 1, 2, 3, 4 and the way in the way bottom. Is for another Chamorro Land Trust Applicant.

**Commissioner Pika Fejeran:** There's only three of you?

**Stephanie:** There's four of us.

**Commissioner Pika Fejeran:** What's on the other side of that top property? It looks even closer to the access road.

**Stephanie:** No there's nothing there.

**Commissioner Pika Fejeran:** Is it private property?

**Eileen (CLTC):** It's cliffline. It' steep.

**Commissioner Pika Fejeran:** So we can't have access that way either?

**John Gumataotao (CLTC):** Are you familiar with Marbo Cave? This is the ... up here where my cursor is is the intersection where the Carnation and Marbo Cave going down to Marbo Cave, so if you have been there before you can imagine driving down even the first 500 feet you can see on the right on the right side there's a cliff and on the left side is all cliffline. So although these are all Chamorro Land Trust Lands we cannot provide a legal access to these lands.

**Administrative Director Michael Borja:** So they are requesting to decline these lands to be moved elsewhere. To approve their request to decline and move to another location.

**Commissioner Pika Fejeran:** I have a question about a family agreement clause they don't have a lease but they utilizing a land use permit but they have provided the mayor's verification indicating they have been there prior to '95 so they already aware that they are

setting up the easement it's just a matter of them moving to unallocated lot there that is available so it's just waiting.

**Commissioner Pika Fejeran:** Sorry Jhoana so you said there's a lot right there? Actually it's being covered by the bubble but it's that lot right below is the available lot so they actually been clearing the area it's just a matter of them and us giving them the go signal that we can give them the survey authorization to move to that given lot. From my understanding though the family is if there an available assistance to grant easement to this family they would like to remain there, and given if they were to go to a different area it would be the same issue no easement. Even if they were to transfer to a different location Mr. Duenas hasn't brought that up but if they are still going to have that issue than it's not moving forward for them so. If there's some kind of assistance to assist them in that to open up the easement.

**Commissioner Pika Fejeran:** You mentioned that if you decide Mr. Raymond Cruz have to move and we're given you that property right next door outside of easement we incur cost of relocation?

**Administrative Director Michael Borja:** We can't, the law says that if we have to move, we have to move them at the government cost.

**Commissioner Pika Fejeran:** He doesn't have a lease but because he's a land use permit holder he's kind of considered (inaudible).

**Chairman Pascual Sablan:** Have you to ever talk to Mr. Raymond Cruz?

**Stephanie:** Yes

**Eileen (CLTC):** Yes, CLTC has approached him.

**Chairman Pascual Sablan:** What does he want?

**Jhoana (CLTC):** He is aware that he's sitting on the easement. We have come out there to show him this and we've indicated the easement is government easement and is recorded and so like I mention that once we go ahead and give him the go signal that we give him the survey authorization that they can utilize that property just below because it's an available lot. It's just the matter of them moving into that spot and us giving them the survey authorization. It's a wooden tin home so we haven't talked anything about cost or anything and they haven't mentioned anything like that but they are aware that they have to move.

**Chairman Pascual Sablan:** They expect us CLTC to shoulder that expense of moving and all this.

**Administrative Director Michael Borja:** No they haven't mention it.

**Jhoana (CLTC):** They haven't.

**Commissioner Pika Fejeran:** They were there prior to the recording of this easement?

**Administrative Director Michael Borja:** Yes,

**Commissioner Pika Fejeran:** So it's not really their fault right. They were there?

**Administrative Director Michael Borja:** What we didn't know was the house was there until a site inspection was done after the map was done. They did not put any mark to show encumbrances the land.

**Chairman Pascual Sablan:** The beauty is not when they are there, you know, they give them priority, how about if they are on the way? We will give them priority but they should move?

**Administrative Director Michael Borja:** Oh yea, they have already accepted that I think you mention that they were offered to use the land where the bubble is, the family of Raymond Cruz there a lot right there and they are willing to go to that lot. That's the lot we showed them to go and I guess they said they already beginning the clearing of that land so they can move their house.

**Chairman Pascual Sablan:** If they want to move if they clear the lot.

**Stephanie:** If they clear the access and we have access then we'll stay.

**Administrative Director Michael Borja:** So you want more than that, you want the whole easement area to be plowed right?

**Stephanie:** Yes. Sir it's hard to get to there.

**Commissioner Pika Fejeran:** How do you get to your side you have to cross to their lot no?

**Stephanie:** Yes. There's only one in the corner there on the bottom.

**Commissioner Pika Fejeran:** Oh, I see. Okay so then you can go right next to your property.

**Stephanie:** It's from the road there to the left going all the way straight down from the other side.

**Administrative Director Michael Borja:** See where the cursor is going up and down that's the access.

**Chairman Pascual Sablan:** Mr. Director there's one and Duenas wants more than one.

**Administrative Director Michael Borja:** No, no they don't want anymore, they want us to clear the land. The easements but it's not something... well we've worked with mayors or whoever, we were actually using, we talked about it earlier, we used IBC before to help in



that process as well but that's really kind of not a good relations methods to do but he had some of that done for us as well.

**Chairman Pascual Sablan:** So Stephanie if that person, Mr. Cruz, were to move you still want a relocation?

**Stephanie:** No if he is able to move and open up that access so we are able to go to there, pass through there in order for us go to our property.

**Chairman Pascual Sablan:** If they move then it will be cleared right you can access to your property?

**Stephanie:** It's actually it's not a jungle it's from when you are coming in all the way from where the roads at that actually left side there coming straight all the way in.

**Chairman Pascual Sablan:** So if you were to accept this you want the CLTC to clear all.

**Stephanie:** Yes, yes sir.

**Chairman Pascual Sablan.** Holy, you want asphalt?

**Chairman Pascual Sablan:** It's a beautiful piece of property.

**Commissioner Pika Fejeran:** Have we identified any land that we can possibly move them to or we would incur the cost of clearing the land and relocating Mr. Cruz?

**Jhoana (CLTC):** Well they did papers already they are aware that if they are to move they have to incur the cost for Mr. Ray in that area that, you know, some of these areas of course granted there are no easements so we haven't that done to clear the easement for, you know, this applicants so even if we relocate the Duenas family to a different area it's going to be the same no access either.

**Eileen (CLTC):** A lot of our properties don't have easements.

**Administrative Director Michael Borja:** This is similar to all our Chamorro Land Trust properties we have not gone to clear out properties, although the owners would like us to do that, and in something that probably something that we should be doing, but then again it's all matter of funding. I think as we move forward in trying to solidify our relationship with revenue and tax and get the Memorandum of Agreement concluded then we will be able to, and then we can identify the property taxes from Chamorro Land Trust properties and that will add more revenue to the Chamorro Land Trust that can be used for things like this. Now these kinds of revenues though we will have to lease do something that we request through the bond through legislative authorization to pay for that. But you know it's not as simple as hiring an excavator to move, there's permitting and everything else that needs to go through the process as well. So the request here is to request to decline her lease land and if you agree to grant her the request to decline the lease land and move to somewhere else that

what the request is. Now if they want to stay there and wait for the land to get clear by us that's prerogative too but are we going to be able to agree into this and pay for it before the end of this calendar year? No.

**Commissioner Amanda Santos:** Do they have a house already?

**Administrative Director Michael Borja:** No

**Chairman Pascual Sablan:** It's a beautiful piece of property that's my concern on your favor, family compound too.

**Stephanie:** Can I just ask you a question? If we do get granted for the easement? What's the time frame like?

**Chairman Pascual Sablan:** (inaudible) we really sorry ... but I'm sure you people can be creative and come up with something that unless you want to take the risk of going and looking for some place else.

**Stephanie:** So there's no time frame then we are just going to wait until. Would you know if there's any like...

**Administrative Director Michael Borja:** Ms. Duenas you know that, you work for Chamorro Land Trust Commission, those questions are kind of rhetorical right? I mean you know truthfully, honestly, have we done any of these of a regular basis the answer is no. Can we get to do something like this, as much as we would like to and we think it's important that it should be done, you know, realistically is it going to get done in a reasonable time that you think. Like I said before the end of this year even within a year probably not. In the last two years I've been here have I seen it, done? In some occasions but it was approved in stance where equipment and activities for some other reasons are there we are able to coordinate with those agencies to do something like that and that the kind of stuff that will take is just a matter of time when something else is occurring and we are able to take those equipment and we're be able to have them do the work but is there a plan no, is there a budget for it, not at all, and so it's not a process that we can easily give you a time frame and you know that so you know I don't want to give you a false sense of optimism but it's a reality we are face with right now. As the chairman said this a good piece of land and you know that it's beautiful up there but the access unfortunately is bad. Now are we going to be able to get Mr. Cruz to move I think that's more optimistic right now getting them to move out of the way so we can have that designated easement to be open so, you know, free of obstructions, human obstructions.

**Chairman Pascual Sablan:** Now if you insist to move then let us know or you want to hang on to it?

**Stephanie:** I really wish my siblings were here unfortunately they are not here. I guess I have to answer for them so I guess we will just stay there, I don't, I mean, it's going to be something if we move and then there's no access again then we're just going to wait.

**Chairman Pascual Sablan:** So I guess you want to come back and tell us.

**Stephanie:** Yes. There's one more thing.

**Jhoana (CLTC):** Ms. Duenas, she is here to do a decline of her lease land and transfer her lease to her daughter due to the fact that Mesa Duenas has obtain a private property. She hasn't fulfil her seven year lease based on the Section 75-114 of the Guam Code Annotated so it is our recommendation that if the board does approve that she can transfer this lease to her daughter that her daughter will start paying her taxes right away verses the seven year wait period that we have given the Chamorro Land Trust applicants.

**Commissioner Pika Fejeran:** Does she qualifies?

**Stephanie and Jhoana:** She qualifies.

**Chairman Pascual Sablan:** We need a motion for that.

**Administrative Director Michael Borja:** To transfer the lease.

**Commissioner Pika Fejeran:** Okay.

**Chairman Pascual Sablan:** and the time of the lease and to move.

**Commissioner Pika Fejeran:** I move to approve transfer the lease of Stephanie Duenas to her daughter.

**Commissioner Amanda Santos:** I second.

**Chairman Pascual Sablan:** Mr. Director, you mentioned the time of the lease?

**Administrative Director Michael Borja:** No, no, no. Well, just the transfer to the daughter.

**Chairman Pascual Sablan:** Second by Ms. Santos. Any discussion, anything? Ok. Those in favor say, Aye.

**Everyone:** Aye.

**Chairman Pascual Sablan:** Ayes have it.

**Stephanie:** Thank you sir. Thank you everyone.

**2. Chairman Pascual Sablan:** Loan Guarantee – Amparo Guerrero

**Amparo Guerrero:** Good Afternoon board my name is Amparo Guerrero.

**Niko (Guam Housing):** This is Amparo Guerrero she is one of our lease she is actually here to seek the board approval for a loan guarantee in the amount of \$140,000. She is prequalified for Guam Housing already and she is pending the guarantee from us for her to proceed with the loan with the Guam Housing.

**Chairman Pascual Sablan:** You know I was looking at this letter of Guam Housing and it says program 6% program ROF 12% so which is which here?

**Amparo:** I was approved sir for 4% that's what I'm aware off.

**Niko (Guam Housing):** Guam Housing has this 6%. It was from 4-6 and then there's after 6 it's above that so it's kind of like when they give the 6% program it will be the prevailing rate in between, you know, not greater than 6%.

**Chairman Pascual Sablan:** I don't want to make it difficult but give us the formula as to how to get and stay at 4%. Any question? Nothing? Ms. Santos, Mike?

**Administrative Director Michael Borja:** No.

**Chairman Pascual Sablan:** Motion.

**Commissioner Pika Fejeran:** I move to approve this request for loan guarantee for \$140,000 for Ms. Guerrero.

**Commissioner Amanda Santos:** I second that.

**Chairman Pascual Sablan:** No discussion. Those in favor say aye.

**All:** Aye.

**Chairman Pascual Sablan:** Ayes got it. Thank you Ms. Amparo.

**Amparo:** Thank you sir. Thank you all.

**Administrative Director Michael Borja:** We will get your documents sign as soon as it gets up to the office.

**Amparo:** Thank you.

**3. Chairman Pascual Sablan:** Next line on the agenda, Linda Perez. Hi Ms. Linda.

**Linda Perez:** Hafa Adai. First of all I would like to thank you for allowing me to be placed on the agenda for giving me the opportunity to speak on the behalf of my application. I also want to say I'm very grateful to a new leadership of Chamorro Land Trust for being very instrumental in helping a lot of applicants that have been waiting forever, I see progress, I'm thankful for that. The reason why I'm here is because back in '95 December we had placed

an application for Chamorro Land Trust, actually two, and one of them was the request for residential, today I have not been entertained and it's some managers of the Chamorro Land Trust that have also brought to my attention and I agree too that there's several inappropriateness in my application. There is evidence that there is an application that was also notarized for residential however, my father acted on my behalf because I was going through college so he acted on my behalf with the Power of Attorney and he was told that there is no application for residential so in this whole ordeal they told him that he would just to apply, choose to settle with the Department of Agriculture so with that in mind he did, and then years past and when I came back, switched over from residential to agriculture and then again 2006 switched back to agriculture so there is a lot of confusion with my file. Fortunately enough I was able to review my file and I did see myself that there is an application which is also notarized. I don't know what the problem was then other than what I'm sharing but there's, you know, I was told by Mrs. Margarita that there is an issue with payment on the application so I do have a copy of payment but I'm not sure if this applies to my agriculture or my residential, however, I am willing to pay for the residential if that's what the problem but again like I said we work with different agents, I work with different agents, no one can really tell me exactly the issues of my application mainly give me a really good fact also just the way I was handled, my case was handled going from places to places telling me this is the land you can get finally finding out that it is a private property and then the owner of the private property telling me you can't be here, things like that, there's a lot of that kind of stuff but I'm not going to go there because it's lengthy but I just want to say that I'm requesting for entertainment of my application for residential and whatever it takes to satisfy Chamorro Land Trust's requirement I'll be happy to do that.

**Administrative Director Michael Borja:** Now you have how many applications?

**Linda Perez:** Well, originally in '95 we had, because we were told I was allowed to apply for residential and agriculture and so then we did. There's two documents notarized.

**Administrative Director Michael Borja:** So you have residential and agricultural application each and you have a lease on any of them?

**Linda Perez:** You know what nothing has been solidified we're actually in the last step that's going forward to the governor's office.

**Administrative Director Michael Borja:** But you signed the lease?

**Linda Perez:** I believe that's what it was just not too long ago.

**Administrative Director Michael Borja:** You signed the agriculture lease?

**Linda Perez:** Correct but you know, it's whatever is pending with the governor's office that's what I'm waiting for. That's agriculture. As for as the residential I do have a copy of the application submitted as well same date, same notary.

**Chairman Pascual Sablan:** Question is when you say agriculture lease, are you going to farm?

**Linda Perez:** Of course. You know I had, I had to...

**Chairman Pascual Sablan:** That answer my question.

**Linda Perez:** Okay.

**Commissioner Pika Fejeran:** And your request is to move forward with your residential application?

**Linda Perez:** Correct. Because again, like I said it was always in the file we were just mislead and we were told so many things, and fortunately enough I was able to view my file it was also management of the Chamorro Land Trust that shared with me and confirmed that there is an application on file, the new management, the new leadership.

**Administrative Director Michael Borja:** We've had, I mean there was that issue previously during the earlier years in which the people were told they can put in an application for one and the other and today we don't see anything that allows us to give two leases whether one is agriculture or one is residential, it's one or the other. And so in this case she has been, her agricultural lease has been fulfilled, it's just pending the final signing from the governor's office which we probably be getting done shortly and as far as fulfilling the other lease and you paid for then it probably will be something we should reimburse back but we are not entertaining two leases per person. It's just the same as if two single people each obtain a lease from the Chamorro Land Trust and they got married one is asked to relinquish the lease because it's only one per family and in this case you know with this individual there should be only one per individual or family. So for the effort in trying to obtain another lease we have not been entertaining that at all, it be fair with everyone as one per person or family.

**Linda Perez:** Could I interdict here if you don't mind. The reason why I'm here and if I had known that I didn't have the opportunity as I was not advise by the management, your management, I would not have been physically here wasting my time, number one, number two also again like I said there was a lot of (inaudible) with my application and we were back and forth with one or the other, we were back and forth with yes, both you can, we were back and forth with you can't have three you can only have one, that kind of stuff. Nothing was ever set in stone, nothing was ever clear to us what it is, you know, and if the process was this long, this is where I'm at today so rightfully so this should have been entertained a while back. It's not like we're 2005, 1995, those lease then already acknowledge they were approved those then were given two, you know, mine was just a mess and it was not fair to me or anybody to have to endure going out with land agents, I mean, seeing place this is where you want, yes, we went through that a lot. I don't think it's fair.

**Administrative Director Michael Borja:** I don't think it's fair that I still have 7,000 other people still waiting from 1995 pertaining so I will consider yourself to be kind of fortunate that you have a lease that we finally concluded. Although the process in which you had to endure



is not the most pleasant nor the most steadfast and assured and that to me is not the right thing. In the same note what happened in the earlier years, I'm not going to kick anybody on what had happened in the past but there were a number of errors that were made on the existing leases we have and 1/3 of them have problems, serious problems which we're trying to correct which we are still trying to correct today. So you know, I'm not going to make a big deal about it but those are the things we have to take care off and those are the issues we had happened back then and we're moving forward with it and in this case, you know. I know that you do have some issues with the process, it's the process we are trying to make more correct, I think a lot of the issues that occurred are being corrected today because of the merger of the Chamorro Land Trust and the Land Management where we understand the process on how to deal with the land and doing it in a more proper way and legal way and so we are moving forward in that aspect and trying to make good to everyone that had signed up and to do it in the most fair way. We allow, I haven't met with you until now, no one has brought up your attention up to me or asked or told me you wanted to see me I would have talked to you just prior to coming down to this meeting today, I had a client that wanted to come in and see me right away so the door is open, let's talk so I told them I had to be out of here for this meeting too, we got good conversation to try to resolve the problem but you know, your comments are well noted and the commissioners have questions too for you, they are open to ask those things. I just want to let you know that the stuff is doing their best to try to try to get these problems resolves on the one that exist and to try and move as many people through the system as possible. Part of the problem in trying to move and get as many of these old applications to be filled is the fact that you have issues with you, heard earlier lands that's not been registered but people are allowed to use it, land that's not been surveyed or people who cannot survey, on and on and on but we have taken major strides in the last years to try to resolves a lot of those kinds of those issues to get it moving quicker so that we get surveyors to do the job and know what they are doing and not just go out and piecemeal it on their own to try to figure out what they had to do and in the end it turn out it's a big mistake like this one, now that you are seeing so those are the kinds of things you know, we trying to overcome daily because of past errors but we are trying to learn quickly and adept to all those kind of problems from the past so we can try to not make it happen again, moving forward. My apologize to you for the experiences that you receive it's not a good experience whatsoever and it's quite frustrating one that you had as so many others and so all the other who still continue to wait. I do entertain letters and call up people when they leave messages and send emails to, you know with the same kind of sentiment on what's going on but we try to be fair with everyone as well by making sure we don't just the list and we try to take care of everyone as they had signed up because those were the problems from the past as well. You know, they were well publicized so we are not trying to show any favoritism you know the same kind of thing where an employee who is also a client we can't show favoritism towards an individual who works in the system so I make them come to this commission to express their sentiment because that's the right thing. I want to make sure that those kinds of things are transparent and no one can accuse us of trying to do things in-house and favoritism. Okay?

**Linda Perez:** Again like I said, I'm grateful. I am extremely grateful I just want to address this issue and it's because this application has been since 1995 I have been doing follow up I understand everybody have their own predicament I'm not disputing anything to that effect

but its jus that I've been waiting this long and I have been told so many different stories and now, you know this is what one of your agent told me, a manager, told me let's get this done and we will entertain the other one. That's what I was told.

**Administrative Director Michael Borja:** Recently?

**Linda Perez:** Ahh I would say the last year. So another manager not too long ago I would say a couple months ago before the board that's why I'm here I've taken the time out because there's hope. There's management entertaining my case and I'm here and I'm told this. I took off from work just to settle this so I'm before how many people behind me and I didn't have to expose myself this way, but you know what if it meant this way, then that's why I'm here.

**Commissioner Pika Fejeran:** I completely understand your frustration I'm very sorry that you've gone through this but like the director mentioned, a lot of what we are doing today is fixing what's happened in the past and unfortunately you were a victim of that.

**Linda Perez:** Let me ask you this question, I'm not trying to be difficult here but I just want answers. When was this decision made that now you can't have more than two, really?

**Commissioner Pika Fejeran:** More than one.

**Linda Perez:** More than one sorry. Because the law been allowed for it to happen.

**Commissioner Pika Fejeran:** I've always been in understanding that it's one lease, can be for one person or per family. I mean they did allow you to fill out two applications and notarize.

**Commissioner Amanda Santos:** We don't allow two applications only one.

**Commissioner Pika Fejeran:** Like the director said you are one of the fortunate ones that actually have the lease that you sign and it's not waiting to be signed by the governor. It is for the agricultural property and I assume you are happy with that property since you signed the lease and it's my understanding that you can also live on that same property. So you know I mean.

**Linda Perez:** I'm just sorry that I wasted...

**Administrative Director Michael Borja:** No you didn't waste. Your time is wasted.

**Linda Perez:** I'm sorry for myself that my time is wasted when I would have been, if I would have been told properly by your management that I didn't have to be here because this is an avenue for me to...

**Administrative Director Michael Borja:** My predecessor when he took the office I think he immediately found reason why several people had to go quickly because there were things

going on that were not right and my time, there were couple more, so you know we were trying to make sure that everyone is doing the right thing and when I don't see the right thing being done you know, I take those kinds of personnel matters very seriously and to try to avoid these kinds of issues where somebody tells you one thing and or shows you something else and tells you something out in the field that is not true or correct. So coming to the board is a great thing because, you know you enlightening us with the sentiment of not just you, you are expressing the sentiment of those who are have gone through it and many more, who are still waiting and that the problem we have is try to move that group quickly and that's the kind of stuff we trying to work on right now, and we've gone through, like I said the major hurdles we're trying to get to a point where we think we are able to move faster. It's just we need a couple of big steps to do it and we will be able to start issuing out lots of lands as you saw in the earlier lease. The problem too is now you got this land but there's no way to get to it or if you can get to it you know, lo and behold when you find out how much it's going to cost to hook up your power and water.

**Linda Perez:** Well thank you for letting me speak and if later it changes again please call me.

**Administrative Director Michael Borja:** Sure, sure. Our land is not limitless and that's the problem, how do we make it last so that our grandchildren will have the opportunity as well. Because 99 years is a long, long time.

**4. Veronica Camacho:** *Buenas dias.* I'm here today to hopefully get the approval for agriculture property. This is Francis Blas, his my first cousin, his my beneficiary for the properties because I'm too old to follow through the years to continue farming. Mr. Borja has proposal based on my initial application of two acres but I guess it depends on how he (inaudible) it and what the department... (interrupted)

**John Gumataotao (CLTC):** Ms. Camacho's application is dated December 1995 her application for agricultural lease of government land. Our minimum acres we provide each applicant is half acre so anything above a half acre must get a Chamorro Land Trust Commission approval.

**Administrative Director Michael Borja:** Correction now needs legislative approval.

**John Gumataotao (CLTC):** and legislative approval. So Ms. Camacho's requesting for two acres to farm and we're recommending that we can provide her one acre of farmable land with the option of increasing, requesting CLTC to provide additional acres to move additional request of two acres maybe about a year or two years after compliance. So basically the CLTC's decision whether or not to go forward with Ms. Camacho's two acres or our recommendation of one acre and then additional acres after compliance.

**Commissioner Pika Fejeran:** Mr. Director you just mentioned that even if we approve one or two acres she still would need legislative approval?

**Administrative Director Michael Borja:** Right. The recent legislation that became public law required the, gave the definition of subsistence agricultural and commercial agriculture

and they said we can do up to half acre agriculture and anything above that requires legislative approval.

**Chairman Pascual Sablan:** Are you aware of that?

**Administrative Director Michael Borja:** This public law went into effect a year ago I can't recall right off top of my head it was a definition correction in the public law and the law got changed to state that ... well, the law always says that subsistence agricultural is defined as half an acre, and anything above that is commercial agriculture and so it got added in that would be required legislative approval for anything above half an acre. I don't think that's going to be an issue if the Chamorro Land Trust commissioners approve that it comes with the farm plan I don't find that to be a potential hindrance it's just that it's the extra step that we have to go through so I don't want to dash your hopes here all of a sudden that you have to get legislative approval but it is the requirement so you know pending their decision, if their agreeable to that and we do the proper documentation you know, what we've done in the past commissioners is usually for folks who are asking for 5-10 acres of land we start off with a smaller part with them to see how it goes and then reserve the other part for a later pending inspections and give them a time to get the farm moving along. But the one other thing too is the requirement to be identified to be a bona fide farmer according to the Department of Agriculture. Have you guys gone through the whole process with the Department of Agriculture and the University of Guam, Guam Extension Program? Are you aware of any of those things?

**Francis Camacho:** No I'm not aware. I have not gone through that process.

**Administrative Director Michael Borja:** Those are some of things too that are in the system because it's not that we want to put more mandates on you that you have to do as a farmer but those are the things where they actually present to you some very, very important farming aspects. You know, right now there's the northern and southern pro conservation group, these people can provide you with all kinds of assistance for farming, to show you ways to use the land in a more productive way to set up wind, wind breaks so your plants don't get tumble over like in a wind we are getting right now. Those are the kind of things that will be requirements that you would have to look at and get with your plan, those would be really, really helpful in pushing into getting anything above the half acre that has to be approve by the legislature so I just wanted to pointed out those things because those are the some of the things we try to do with the different other organizations who want to assist people who want to farm. They want more people to farm the land that they want to make sure they succeed. So these are the issues that they have to hope that you would succeed. Just like even in the water conservation, how can you water without having to bring in a water pipe showing you and helping you with water collection processes like collecting the rain water and having a basin to do that. So those are the kinds of things that they would show; insect group, protection from insects, things like that so they are really helpful so you have a successful farm. Last thing you want to have is your crops affected by things that could have been prevented. Were you guys looking to plant produce or are you looking to do trees?

**Francis Camacho:** Trees and produce and whatever else we can raise.

**Administrative Director Michael Borja:** See they can even show you the kinds of trees that they would recommend that maybe even fruit produces that can be wind breaker and where to put those kind of trees where the predominant winds are, where the distractive winds usually come from so the wind destruction and prevent soil erosion and that kind of stuff.

**Francis Camacho:** That's the process it has to go through legislature to approve?

**Administrative Director Michael Borja:** That's what the new public law says and I can have that provided to you a copy of that public law but it was passed that, I think, in the last, when this legislative body so probably last calendar year and it does define what is required for anything above a half an acre now, and that's the legislative... like I said I don't see that to be a hindrance, it's just a step we have to go through, but if you have your stuff together with the things I just finish mentioning you will do it because a farmer, the success of a farmer is, you know.

**Francis Camacho:** You know we all grew up like that since young, that's how we grew up off the land we didn't, you know. Our parents followed that, right.

**Administrative Director Michael Borja:** It's in your heart and you got that touch.

**Francis Camacho:** One of the main thing first is she seem, the other lady who was here, she applied since 1995, all that stuff so how come you did not make this process just go forward and what we need to make it go forward. We don't want to wait another ten years, you might die, I might die. I don't know.

**Administrative Director Michael Borja:** Well you are prime and ready for a lease, it should have already considered, but you know, for asking for something larger right now... have you been taking care, you know, even 2-3 years ago, I don't think this would have been an issue but it has come up now and that's the reason why we.

**Francis Camacho:** Would it be saying she can get a half an acre, we would have to go through that, would it be better to just get that and then move forward to the property?

**Administrative Director Michael Borja:** What we would have to do is help you identify the land that let's say you eventually want a two acres right. You look for a portion of land and try to reserve the other acre and half so that in the even you are ready to expand out and we get the legislative approval and see that might even be a great step to go because if you prove and you grow eggplant and watermelon and whatever you are going to plant then you know that would be a good justification to say let's move on to a wider, larger lot and two acres is not (inaudible) farm. Half acre is kind of like, you know, hot pepper (inaudible) and so if you really surely trying to produce something more than just your own consumables.

**Francis Camacho:** I like to get there, you know everything get imported so we have a lot of land we can't use.

**Administrative Director Michael Borja:** There a big move to do this kind of stuff like Farm to the Table we got folks here who are really proponents of that (inaudible) and it's a good thing so there are people out there that want to help and this is what they live for so I would take advantage of those services as much as possible. Seek it out. Margarita, let's help him out by getting the names of those agencies, the Department of Agriculture, UOG extension program and the soil conservation folks and those groups of people there to really give you a hand because the last thing you want to do is wasting a financial energy on things that you could just collect from (inaudible). They even talk about composting stuff so that you can make your own fertilizers without putting chemicals into the ground. Those are very important elements to the kind of recycle and all that. If you want to move into the next half acre, the first half acre we will work on trying to identify a place.

**Veronica Camacho:** Anything that can be done (inaudible) to indicate that's process point 5 acre to whatever board for an additional acre you know if that...?

**Administrative Director Michael Borja:** Well we can do a motion if the commissioners want they can move that we agree to eventually be issued a two acres but start off with first half acre and but then we go through the process to seek legislative approval for the larger land as long as you go through the process of going through those agencies that are there to help you as well.

**Veronica Camacho:** As long as the property is right there?

**Administrative Director Michael Borja:** Right and that's what we'll do so we'll hold two acres and issue half.

**Veronica Camacho:** Oh great!

**Administrative Director Michael Borja:** But we have to find it. As you heard sometimes finding the right place.

**Francis Camacho:** No rocks.

**Administrative Director Michael Borja:** Where do you live?

**Veronica Camacho:** Yigo

**Chairman Pascual Sablan:** They don't have a lease yet for half acre?

**Administrative Director Michael Borja:** No but they applied in December 1995 so they are ready to be (inaudible) and they are asking for two acres.

**Veronica Camacho:** They offered us a half acre but we wanted to proceed with one or two so that would better ideas to start with .5.



**Administrative Director Michael Borja:** I mentioned that we reserve a two acre lot issue half acre and the issuance of the other acre and half will be based on the demonstrated activity (inaudible) creation of a farm plan counseling from those agencies that support farmers' efforts so that they have the credentials and then they go to the legislature. And then you know from this point because I also have to watch the legislative calendar I would, for a case like this, introduce any kind of bills in the legislature at this point because if it doesn't get passed by the end of legislative session it sits and die and we have to start all over again and I rather do something to begin in 2017 or somewhere in that point because that's the way the law is done.

**Veronica Camacho:** How much do we have before us before we proceed to the next step, you know, I mean? Is there a limit in time?

**Commissioner Pika Fejeran:** Can we give them 18 months and if you are not ready to move in to the other acre and half right next door then we can lease it out to somebody else?

**Administrative Director Michael Borja:** 2 years

**Chairman Pascual Sablan:** One thing if we encumber it we cannot lease it out.

**Commissioner Pika Fejeran:** Until the 2 years is up? Maybe we just encumbering it for 2 years or 18 months or? So she has to come back to us within 12 months.

**Chairman Pascual Sablan:** Okay.

**Commissioner Pika Fejeran:** I move the motion to provide Ms. Veronica Blas Camacho a location, her lease will be for the allowed half acre but the location should be in an area where there is adjacent one and half other acres that we will hold for one month from the issuance of the lease, I mean I'm sorry, one year from the issuance of the lease and within that year you can get going and then come back to us and then we can start the ball rolling for the legislative approval to increase your land.

**Veronica Camacho:** Thank you

**Chairman Pascual Sablan:** Mrs. Santos further discussion or anything. Okay, then those in favor say aye.

**Everyone:** Aye

**Administrative Director Michael Borja:** Okay, just work with John please and then those agencies John just make sure they get the point of contact to go talk to these people, your package is packed with all that information that you've gotten from them and how you apply for the farmland and they will help you with farming. It will make your transition.

**Veronica Camacho:** Thank you.

**5. Administrative Director Michael Borja** The next line in the Agenda is Bill no. 362-33. We will take this at the end.

**Zita Pangelinan:** Is there a way we can be heard only because I have real urgent.

**Administrative Director Michael Borja:** GPA are you willing to yield to let her go first?

**GPA representative:** We don't mind.

**Administrative Director Michael Borja:** Okay so there. So what we have here is Bill no. 362 which is to designate lands in Mangilao, Inarajan as biodiversity conservation easements for Hatdin Amot Chamorro and the Bill is attached to this worksheet, both Bills are attached, and basically what it does it's taking a section the law that defines the process for allocation of lands for the *Amot* and it actually increases the size of the property and it identifies where it's going to be before it was one acre they identified as one acre in the South, one acre in the North but this now is taking roughly around 15 acres in Inarajan and 33 acres in Mangilao and creating it into conservation easement for purpose of this. The Haya Foundation is a non-profit organization has designated this Bill to consult with the Chamorro Land Trust to establish criteria, application and operational procedures for the *Amot* Chamorro. In the recommendations I listed here I stated in Item no. 1 that each parcel of the identified property should be encircled by the interior buffer zone no less 10 feet and no wider than 30 feet for the purpose of protecting from encroachments of neighboring lots and the buffer zone may be used as a perimeter trail for the erection of the fence line and other demarcation so you can protect the area, you know, it gives the option of what they want to do. No. 2 Any and all criteria and procedures shall be approved by resolution by the CLTC board of commissioners. In the Bill it stating there will be a creation of a operational procedures and I recommend that the Bill states that those procedures should be approved by the Chamorro Land Trust Board of Commissioners and that the CLTC shall be the issuer of the any parcels used by the applicant so we hold the leases or licenses or whatever it is that needs to be done at this particular case and that these leases and if applicable licenses shouldn't be transferable assigned or subleased and that's pretty much what the law says already for any kind of leases and licenses that they are not transferable, assignable. So if you don't have any comments on this, so whatever comments you have in this Bill it will be important so we can put that as far as our testimony for when this Bill comes before the legislature for a public hearing and other wise do not see any reason why you know I think it's a good Bill it does the job for one, I think it provides a lot more lands than what we thought and it also taking part in Mangilao the beginning that conservation easement we talked about where we're trying to go from Fidian all the way up to Anderson take all that lime stone forest area that's on the first high plateau and it got all the limestone forest area and creating a strip of green land, green space that will stay that way forever but it can still be used for other things just can't developed. Present here is Hesita Pangelinan and others, I think there were other folks who were interested, are you Mr. Duenas? You're the one I spoke to? Okay good. And he had expressed interest to after this Bill is introduced and without your knowledge he called me up about how we can help with doing the *Amot* Farm and stuff too and I told him about this Bill and I told him about this meeting and that it would be best if he could come and expresses his opinion of the matter as well so Mr. Chairman back to you.

**Chairman Pascual Sablan:** I vividly recall that in the law says that I think maximum is about 4,000 square meters.

**Administrative Director Michael Borja:** Right, an acre.

**Chairman Pascual Sablan:** Which is two acres right?

**Administrative Director Michael Borja:** No one acre.

**Chairman Pascual Sablan:** okay, that right. If you look in Inarajan we're talking about 81 or 61 thousand square meters.

**Administrative Director Michael Borja:** Right, that's that this law, this Bill is doing is going to change that law. This bill changes the size of those lots. It was one acre to the South and one acre to the North and this bill says, you know because one acre is not big enough to do anything close to this so what this bill does and it got a number of sponsors on here and I believe you and the Speaker have been a proponent of this from the onset she's the one that introduced this change in the law before in the first place so basically there amending it to increase the size of the space and identify the specific land to use and for me I think this is the best thing to do, you know, to have it done by the legislation because it definitely does, we would have to do it by legislation anyway, and these guys have identified places and so we've been talking with the Haya Foundation also and I think she's mentioned the area as well.

**Chairman Pascual Sablan:** You're talking also?

**Administrative Director Michael Borja:** Well Zita Panglinan from Haya Foundation has been here in previous meetings to talk to us about the need for the lands and area in Inarajan.

**Zita Pangelinan:** If I may I can also provide an update, is that okay?

**Chairman Pascual Sablan:** We may also put a language on this Bill for the *Lagu* not necessary this size. I think you have the amount already but.

**Administrative Director Michael Borja:** Well, we haven't done anything for this land but.

**Chairman Pascual Sablan:** I'm talking about *Lagu*.

**Administrative Director Michael Borja:** To create another area?

**Chairman Pascual Sablan:** No, no size wise. Not size wise too but be more flexible.

**Zita Pangelinan:** I might be able to provide an update.

**Chairman Pascual Sablan:** Zita is *Haya*, Dededo is *Lagu*.

**Zita Pangelinan:** Oh no Haya Foundation is not speaking just to the South, it's more understanding of Haya Foundation and the word, the term is "live off the land". That's the definition of Haya. So it's not limited to a geographical location.

**Chairman Pascual Sablan:** Is it a coincidence that.

**Zita Pangelinan:** Haya is separate definition as we know it. It means from my understanding is "we're the people of the land" so that's our understanding of the definition. But if you will Mr. Chair I would like to give you an update since our meeting from the last session here if that's okay.

**Chairman Pascual Sablan:** You know, I'm a typical Chamorro but when you say *mapus lagu* means *mapus* America, you know. That means America *dangalu* much much bigger than Guam. Now you are saying *haya* is another definition?

**Zita Pangelinan:** *ejí masanagan as mastudia es te ma sa ba masa nga...* It means away from or for it so we've also been enlightened in this whole process just as we've been enlighten about the term *saruhanu* and *saruhana* is Spanish for surgeon and that's why we go back to *igu hamti* which means healing so, I know we're learning a lot we are being enlightened in this whole process. I would like to also share since our last meeting Mr. Chair if that's okay our updates and what's going on if that's okay?

**Chairman Pascual Sablan:** Well I just want to make sure that because I don't know how we're going to take it if for example the *Lagu Saganamud* would come to your place and start doing something.

**Zita Pangelinan:** We collaborate sir. We collaborate with everybody.

**Melvin Duenas:** I'm a Chamorro teacher, bilingual, and *hita* is more united but digging into the root.

**Chairman Pascual Sablan:** *Haji*

**Melvin Duenas:** *Duenas, taotao nalajan*

**Zita Pangelinan:** Mr. Chair, members of the Commission, and Mr. Borja. Thank you very much for the opportunity I just wanted to come and share in terms of the evolution of Bill 362-33 shortly after our meeting I followed up and asked the next steps because we've been very conscious about following through to ensure that we can move forward in terms of the lease and guidance of Mr. Borja, you know, he said why don't you start talking to the senators and get support because eventually it will have go through legislation and as a result after the meetings I actually presented before. I went and visited different senators, Speaker Won Pat, Senator Muna Barnes, and Senator Tom Ada and which they then requested this to present at three different public hearings and so we've been through quite a few public hearings we've been through quite a few meeting sharing about Haya Foundation and our efforts and since our last meeting we are happy to report to you that we have achieve a lot more accomplishments, or achieved more resolutions that were adopted in 2012 one opening the

first *Guma Hajon Hamti* and *Guma (inaudible)* so that opens on May 22<sup>nd</sup> in subsequent to my last meeting me. In addition, I served as the chair for the Festpac traditional healing arts and as a result they were 13 countries represented and we have not established Pacific Indigenous Healers Concussion which is now is now we have a network throughout the Pacific of all these healers and are now wanting to share our resources and assist in all the work that we doing. Our outreach has been rather extensive we've been getting a lot of calls our numbers, clients are growing and Auntie Frances, our healer here has been very busy healing, as a matter of fact she has to postpone today because we're trying to be here and I know this meeting is very important and there's a lot more and in addition we have submitted this proposal and I presented a copy with regards to the property and in Inarajan which is for ecotourism and sustainable development program to put to the legislature and I presented to the your office and so all this the plan has been in the works and there's a lot of activity, there's a lot of interest and desire and in meeting with Senator Tom Ada I think they got real excited too and rather than wait for the resolution and approval from the Chamorro Land Trust they immediately went ahead and drafted the legislation and so we've been in discussion, there are several concern in terms of the Bill because it does not specifically speak about the lease so I brought that up to Senator Ada's office and so I been assured that through the process of the hearings that the amendments can be made to the bill so that it will meet the needs of everyone concern but there are also concern they have wait until we get the lease approved by you in order to move this forward. So it's kind of like.

**Administrative Director Michael Borja:** They are waiting for the lease?

**Zita Pangelinan:** Well we need to get an approval for a lease. They went through the Minutes of the last meeting and in which they share they saw and the support by the commission member so I guess I'm here today just basically to ask if all possible that the support come in terms of a resolution or approval for these properties, lease properties to Haya Foundation.

**Commissioner Pika Fejeran:** Thank you. Ms. Pangelinan this is very exciting. I remember when you came and you showed us your video and you've done a lot since then so that's wonderful. In reading this and I think what Mr. Chairman was saying is in the legislation it names your foundation, right, specifically to work with us to establish the criteria application and operational procedures for *Hatdin* Chamorro. I think Mr. Chairman correct me if I'm wrong but you're concern is you're one group, right, we don't know who else is out there that may also want to participate in this *Hatdin Amot* Chamorro and if they are not part of your group where does that leave them and I think that's where the commission comes in because that's when we issue out the leases. The legislation is not saying okay these are both properties for you to use exclusively it is saying that you are, I agree, you are the foremost organization to work with to develop these perimeters and criterias and procedures so that's my read of it.

**Zita Pangelinan:** Which is the concern I brought up to the Senator this August because, you know, and this is why we had the developed all these plans with the interest of developing an eco-tourism and sustainable but not to, and our efforts are, I don't want to say exclusive either cause we're always engaging and inviting and so when I brought that up the first part of



the bill says you know Haya Foundation shall access and then there's no mention of the lease and so but they can't move because there is no lease to speak off.

**Commissioner Pika Fejeran:** What was that, the Haya Foundation and to allow?

**Zita Pangelinan:** The first part of the section says, for Haya Foundation to have access and to do all these things.

**Commissioner Pika Fejeran:** Director, these are your recommendations on what to incorporate into the Bill? These four items?

**Administrative Director Michael Borja:** Right. I'm don't speak specifically either about the Haya Foundation I think that we're we need to go there, if it was mentioned specifically here, there is no issue there either but I mean what we have is there's mention is there going to be working with us to help develop this criteria on the use of the land which I think you already got it.

**Zita Pangelinan:** Yea, and that's why.. .

**Administrative Director Michael Borja:** So it's a matter of taking that plan and concurring with it and implementing it as a plan but then how do we move on with the land and in the signing who's to use what, could it be we block off certain groups use certain parts or it's used collectively because you don't want 4 or 5 different groups growing the same plants in different places whereas it best be grown in one place and then Haya Foundation overall management of the process with other users. Those are kind of details that we're not sure if it's not described here we really haven't set down to describe how that's going to be done if there are others out there, if you are going to be the umbrella looking after all these others and everyone gets a booth in the mall kind of thing but our concern is we take this land and that's what this Bill is talking about and then we make sure this land is protected and what kind of protection is there now and who's the lease going to go to. I mean, if it's with you we have to work that out and the bill kind of gives authorization to help do that in a roundabout way, it does, because there is no real true language that says it's not an agricultural lease and it's not a residential lease and it's not a commercial lease so what is it and so maybe that what needs to be more defined here is that there a special lease that's created specifically for *Hatdin Amot Chamorro* and that's what would be then what we use.

**Zita Pangelinan:** I guess the concern was that our process was moving forward and then this lease just came up and it wasn't because the lease wasn't approved yet. The draft legislation was developed and so that kind of impacted us because we were really excited about coming here and hoping to we would have request for approval of lease after all the work we've done.

**Legal Counsel Kristan Finney:** Are you trying to lease the property? I mean that's not what the Bill says. I didn't know if that's' what the intension.



**Zita Pangelinan:** We came and we applied. We come to Chamorro Land Trust to apply for the lease and then subsequent in trying to get the legislative approval or support of our effort and to prepare because we understood that legislation needed to happen cause we needed to do the ground work and lo and behold this legislation came and so.

**Legal Counsel Kristan Finney:** So I guess I'm trying to understand so are you trying to lease the property or cause it seems like there's a different intent here which is that you would work in collaboration with Chamorro Land Trust to figure out who. It talks about individual leases in these parcels it doesn't talk about leasing this entire lot but that's what you want to do? This is very different from what you got here.

**Zita Pangelinan:** Our intent was to come in and lease but our idea and the concept that we presented before you all was the ideas of also getting the community also involve. Getting people to come and plan and be part of this whole effort because of the dire need to perpetuate our traditional healing practice by no means are we going to, you know, there's just a few of us and it is our hope in terms of the resolutions adopted at the first *Amot* conference is that we will engage more people to come out and farm and to do you know this pieces of property so it's not that we're looking to exclusively utilizing the entire property that's not the intent. First intent protect the property do not and the conditional plans that exist there. Secondly, is we need to perpetuate and to plan and to do food as medicine and the ecotourism but in this whole process we're engaging the community, we're inviting. I just met Mr. Duenas today and it's like you know this is not exclusive Haya this is our (inaudible).

**Administrative Director Michael Borja:** I can see the vision of what you're trying to get Zita, I see those pictures in your booklet but how do we codify, how do we get it so that it's in language that survives us because you might have a non-profit organization but you know not everything lives forever either so even the organization may not survive at some point, so what happens then we won't survive some of these things, either so what's the legacy of what's going to happen, how is that put into a lease or something.

**Legal Counsel Kristan Finney:** That's what I'm saying it looks like there's two different concept that are kind of out there, what are these concepts is that these guys would lease the property from the Chamorro Land Trust with the intent that leasing to them and they would be able to do these things that they are proposing. The other thing which is what's in the bill is that Chamorro Land Trust would lease out these individual parcels and they are different concepts because one of them is leasing the whole piece.

**Administrative Director Michael Borja:** And what we don't want to do is subdivide it out. How do you do something like this, this may be a typical kind of thing we need to do so is it perhaps a license agreement or should it be a lease where would they be allowed to have some license abilities to allow some others to come in and use it so there's a control over who comes in and uses the land.

**Legal Counsel Kristan Finney:** So if they lease the property then again that could be part of the agreement that they are leasing the property from the Chamorro Land Trust with the authorization to sublease it out do whatever it is they are proposing here. Again, this bill is

really different from that because it doesn't talk about leasing a property to them it talks about Chamorro Land Trust having the property and in consultation with them deciding who to lease it out.

**Administrative Director Michael Borja:** And that's what's missing in this bill, that's the...

**Zita Pangelinan:** And I think the two things that happened here is one that Senator Tom Ada's office, and I don't want to speak, but in the discussion thereafter when I saw the bill the concern was they are in support of our efforts but in terms of they can't dictate of what belongs to Chamorro Land Trust in terms of what they do with the lease. Secondly, I think they were trying to maneuver or to take the original law with that *Hatdin* Chamorro law and they were trying to amend it to kind of make it workable so those are the two things that then evolved into these legislation which is.

**Administrative Director Michael Borja:** I think we are kind of the same note, it's just we have to lay out the outline I think where we want to go and how do we want to identify the Haya Foundation as the designee to become the lessee eventually and express it in this bill or do we want to describe in more general terms that we will then be leasing to an organized, certified, nonprofit organization and qualifications of certain levels and applicants are invited to apply. Then they would come in and say here we meet the criteria and we agree and they get the lease and then how long that lease term is for and things like that. See this is where I have some issues too because it says that are supposed to help us create this guidelines.

**Zita Pangelinan:** I think that was in the original law and you folks were in charge of that responsibility.

**Administrative Director Michael Borja:** We were supposed to put a commission to talk about two acres of land and I found that really very faucal.

**Zita Pangelinan:** And that was from the original law and that is why they were trying to amend it and that was the verbiage that stayed.

**Commissioner Pika Fejeran:** But they named you specifically (interrupted)

**Zita Pangelinan:** To access that property and to do the work that we are doing and to also. Kind of, we not trying to be complicated, we just want to move forward.

**Administrative Director Michael Borja:** It's just a good thing it's still a bill so we can base some ideas on what to do. I guess, what I need from you commissioners whether or not you have a general concurrence with the bills is with the ideas that maybe there would be some additional information that need to be added to talks specifically about how or who gets the lease and then we incorporate that into testimony to have added to the bill so it's more specific and that kind of detail can be worked off line between us and trying to get this thing done quickly.

**Chairman Pascual Sablan:** First of all we should maintain the control of the steering wheel. This is a Chamorro Land Trust so we should maintain that control, if this bill is going to take that away from us then that would be haywire because my concern is again, the Northern *Hatdin* Chamorro is limited only and it doesn't show in the bill that would give us the flexibility to increase too while they have half of Guam on the Mangilao side even though it's going to be (inaudible)

**Administrative Director Michael Borja:** In that other farm over there that's private agricultural lease and she converted it into a farm. And so it's not part of this whole process it was originally it was just another person who had the same interest and got the agricultural lease to do it. There could be other lands that should be designated down in Aruna but I mean there could be other lands in the future that might be designated different geographical, geological places I think we were talking about earlier some place that you need beach for some kind of plants. So we have (inaudible) that might have beach front that is secluded it could be designated to that as well. What we are trying to talk about too this whole area, where we don't want any other kind of development, we want to preserve the plant growth in there, the wild plant growth that's existing in the limestone forest. Now in Inarajan that's the different story.

**Commissioner Amanda Santos:** It would benefit the Chamorro people nowadays are having a lot of sickness.

**Administrative Director Michael Borja:** Well Mr. Duenas if you have a chance to tell a story.

**Chairman Pascual Sablan:** I support the organization of this program whole heartedly but I want the Chamorro Land Trust to get all control of the steering wheel, we cannot just turn them loose.

**Administrative Director Michael Borja :** Well, it still belongs to the Chamorro Land Trust it's just how it's designated to be used is what this bill is doing. It that it designate the lands to be biodiversity, it still belongs to Chamorro Land Trust.

**Commissioner Pika Fejeran:** But then it does go further it says the legislature intends to authorize and allow the Chamorro Land Trust to skip down to the next, allow the Haya Foundation access to (inaudible) so there is already saying their intention is (inaudible). That they would be the ones on that property.

**Legal Counsel Kristan Finney:** Actually it doesn't say that they would be on the property it says that for somebody to lease some of this property they have to be eligible for Chamorro Land Trust lease and be a member of registered nonprofit.

**Commissioner Pika Fejeran:** I see that down there but about above Section II?

**Zita Pangelinan:** It's conflicting in the legislation.

**Administrative Director Michael Borja:** Above Section II. No that's not part of the law, that's the findings, their intent. The Section II is the part that amend the law that says what it is that you can't do.

**Legal Counsel Kristan Finney:** There's nothing in here that specifically give them access. As far as its talk about you have to have a lease.

**Zita Pangelinan:** It's not that we have to I mean that's not our original intent was.

**Legal Counsel Kristan Finney:** What I mean is they wouldn't be able to enter into a lease with you without approval from the legislature because it doesn't fit in the other perimeters. So to say that you have to go to (inaudible) how are they going to lease without approval?

**Commissioner Pika Fejeran:** They should have amended *Saruhana* and *Saruhano* just to be (inaudible).

**Zita Pangelinan:** Like I said they were working on the original bill and I didn't see it when it was introduced.

**Commissioner Pika Fejeran:** Ms. Finney, so this bill goes through as written we would still have to go through the legislature before we issue a lease.

**Legal Counsel Kristan Finney:** That's not what I'm saying. I'm saying of this bill were to go through it doesn't change the original law is that you could lease particular parcels it just increases the size of it and it fits these additional restrictions but to quality to use the parcel there has to be an individual that's eligible for a lease and it also has to meet requirements. It's a different approach then leasing out a piece of land to these guys and saying, we're leasing it for these purposes and you set up whatever perimeters you want in that lease and sublease it out or whatever the terms of their lease are.

**Administrative Director Michael Borja:** What I recommend is if you guys concur with the recommendations I gave that would be put into a testimony for the bill and then whatever language we think might be necessary to discuss the lease or a lease process or something like that, that we still hope to develop that. Having said that we can say all we want about what we would like to see and the bill can go to the floor for a vote and what comes out is a different sausage so we're going to deal with what we got in the end. But I don't think this is going to be the one that's going to be cultured too crazy but I think what the legislature would like to hear from us too is what can we do to make this a better bill that gives more definition to the things that we need to do to define a process so we can make it better for all the users. There may be still little bit of discussion that we can do offline one on one to try to find a way to talk about how this is done if you guys would like to get together. I don't know when this is going to be called before a public hearing but chances are most likely before the next board meeting.

**Zita Pangelinan:** Senator Ada was saying sometime in September.

**Administrative Director Michael Borja:** I imagine before the next legislative session.

**Commissioner Pika Fejeran:** I think we should meet offline and maybe even invite the Senator, the main author of the bill we can all sit down and hash out the final details.

**Administrative Director Michael Borja:** That sounds good you guys want to say anything. Are we okay about trying to find offline meeting?

**Zita Pangelinan:** Sure, yea we are in a predicament right now with what just occurred so. In terms of the confusion with the legislation.

**Administrative Director Michael Borja :** I don't mean for this to be harsh but one of the things I have to be careful is suddenly there is legislation that talks about somebody's input or relationship with the trust and we going to look forward down the line to try to do a lease I have to watch out that there's. We don't enter into a lease for example and suddenly a public law comes out and alters what we were supposed to be doing and then we got to back track and fix it and get it done the first time.

**Administrative Director Michael Borja:** Mr. Duenas do you have any comments?

**Melvin Duenas:** I'm not part of the Haya Foundation, Mr. Chair, I just want to take this opportunity to share a little bit from my perspective. My name is Melvin Duenas, grassroots from Inarajan, and originally we did have a lease from my father 120 acres in Inarajan that we relinquished back to the Chamorro Land Trust. We used it for almost 50 years when my brother died, he was the director for the Revenue and Tax but I was the one who kind of care was taker of the area. My interest here is I was trained in naturopathy in Malaysia, Indonesia, in the Philippines and also in the states integrating our local and this is my burden not only to plant and provide for the people but to teach so I was invited to Saipan, Tinian, Rota to do seminars on what plants to use, how to use it, and what's the benefit and when to use it for what reason. I held different seminars in different villages there's thousand registered in Talofofogymnasium. I just did one last Sunday for Maina where 12 pillars of the community intently listen, they all have ailment. I did one in Barrigada and have schedule in Inarajan, Merizo, Umatac on my second round. I have been doing this since 2008 it is my burden to the people of Guam not only trying this methods but to be given alternative on this process of healing. I was diagnose as liver, only 10% of my liver was working and I had diabetes leaking gut with different symptoms. They wanted me to go to chemotherapy and radiation, they gave me only a month anything over 7 is considers high on the enzymes of the liver mine was 2,000,280 counts. But I treated all with *amol* Chamorro and they could find any, my enzymes is okay and no more diabetes and this kind of thing so it's just my burden to give what I received so I'm little bit nervous and excited at the same time. My application for this was since 2007 I did a complete power presentation right here if you want to look at it. I was just kind of asking all of the 120 acres of my parents relinquish back, at lease 4-5 acres it was approved with Monte management back then but with all the ramification something happened and I was showed this property, that property then at the end was disapproved. Now I have to reapply and had to go to legislature so I cannot just fade away and continue to do this naturopathy on my own but when I heard of this presentation I felt I have to be heard



because I like to go to even the news to be able to present his in my case. But I would like to be considered in this area I just delivered two different Chamorro medicine jus this after noon but again I'm not trying to overshadow anything I'm just asking to be reconsider at this point also in this area of *amot* Chamorro and so my guess is if it go to the legislature I would like to have a presentation to have what kind of ailment and have those people involve what methods are you going to use and how you going to use it and what doze are you going to use and what it is used for and give an example of a worst case scenario of lupus or aids or any ailment and give 21 days to make a total healing to see a lab result and whoever really have some result can be given an opportunity to share with our Chamorro people in a bigger scale. Everything I do is free and I left everything behind just for this burden so that's why I like to, maybe I need to revisit my application that was denied but maybe I can get counsel from you Mr. Sablan. I did speak to Mr. Administrative Director Michael Borja one to one on this but he said maybe it's a good idea to just sit in this. So originally I signed in as a public comment but I was allowed in this situation.

**Chairman Pascual Sablan:** Thank you Mr. Duenas I hope everything turns alright on you. Frances, you have anything to say.

**Frances:** No Mr. Duenas. All I'm asking a little bit of land can you give us authorization to plant for medicine plants a lot of the plants are dying last month I was looking for some medicine plants (*katma tasi*) I found some in Anderson it's good thing I have access to go in to Anderson. I didn't go to somebody elses's ranch but there's a lot of medicine plants that are available. What are you going to use the *Katma tasi* for? For inside of your body when it's hot and you feel like you're going to faint you take the leaf and you soak it and then you dry it out then after you remove the leaves and you drink it, you can also use it for your heart but it could taste bitter. They can go and look for lot of plants but they needs hands on because there's a lot of plants that look alike.

**Chairman Pascual Sablan:** Do you ever see *nigas* that lives in other places other than near the ocean?

**Melvin Duenas:** I just want to counsel where do I go about in this area and 30 years of lease is all I'm asking and within a few years monitor the situation, I have been doing this intensely and the mayor's office know this as a matter of fact they, when they first heard Zita's name through Doris Flores in Inarajan. Originally I'm from Inarajan I gave up military and government services 100% to try to share what *the* Chamorro medicine did to me for the my understanding with the Chamorro medicine. It's not only the healing that will break if you keep drinking beer and smoking. You want total healing, total reformation in the body is a process it's not just over night and sometimes 21-days is a good timing to see a good result. I want to continue this is not only to plant the Chamorro medicine but a place, a center to heal, a place to a treatment plan, a greenhouse and everything. And to be able to bring the people to house there in total treatment within 10 days.

**Chairman Pascual Sablan:** Did you apply already?



**Melvin Duenas:** Yes I did and Mr. Monte said it's a green light but for some reason. Mr., is it okay if I make a follow up?

**Administrative Director Michael Borja:** Yes. We will be looking at your file.

**Chairman Pascual Sablan:** Thank you everybody.

**6. Chairman Pascual Sablan:** I guess we have to go to Bill no. 360-33 & 361-33.

**Administrative Director Michael Borja:** Right. These are the GPA Bills and we had a couple of bills attached to in a village of Talofofo is a substation and a piece of land behind that substation which they want to acquire and they're due diligence to look over the land, they also discovered that they didn't have the ownership of the land the substation existed and because these are two different properties they has to be a separate bills for each one but they both will come in together. The issue we have there's lot 427 which is substation because they were transferred to GPA it is nonregistered piece of property just about three quarters of an acre. Bill 361 they also want to have that piece of land be able to install an energy storage system and battery system (inaudible) by the existing solar farm down in Inarajan and Malojloj. Again that's also an unregistered piece of property that is portion of a much larger piece of property that is also an unregistered. These areas of land by the way also refer to as a *taki biju*. The recommendation is that the bills should include the GPA responsible for the survey of the land and to create the land registration survey map and in Bill 361 GPA is responsible to survey the entire lot and getting it registered prior to subdividing it into a portion needed to this bill, GPA in item no. 3 is responsible for obtaining the necessary appraisals to determine the fair market value and then both bills must include a reversionary clause that the properties must be used within a 5 year period or is returned back to the Chamorro Land Trust Commission. A resolution from the commission to the legislature will be necessary, the items should be included in the language of the bill showing concurrence in this body just also point out that two recent bills that have been enacted to public law for the Guam Waterworks Authority which is govern by the same commission as the Guam Power Authority, actually three bills for lands transferred over to them and these recommendation I listed were all noted in those bills and were enacted into law as well. The reason for the reversionary clause is to ensure no land is taking out of the Chamorro Land Trust inventory and never use or used in purposes other than what they were used intended to be used for and whether they are paid for or not and that's just to protect the inventory of the land trust. These are two bills and Guam Power Authority is present and has been very patient in this entire meeting to come forward and discuss anything that they want to discuss all these things.

**Chairman Pascual Sablan:** Can we ask the lady and the gentleman to identify themselves please.

**John Cruz (GPA):** I'm John Cruz I'm the manager of the Strategic Planning and Operation Research group of the Guam Power Authority and our project have (inaudible) storage.

**Loraine Shirohara:** My name is Loraine Shirohara and I'm the Special Projects Engineer assigned to the Energy Storage System.

**Antonio Gumataotao:** Hafa Adai. I'm Antonio Gumataotao, I work with engineering, supervisor.

**Chairman Pascual Sablan:** Thank you folks. I believe Mr. Director the consensus of these commission is on recommendation D that there should be a compensation with CLTC.

**Administrative Director Michael Borja:** Right and that's what this is also saying. I think the compensation is in there in the discussion already in the bill but what was dropped out was the reversionary clause in Item no. 3. In Item no. 2 that you mention they really have to, what they are asking for is a small part which is really a part of a bigger part and it's in register so in order to even portion it out they have to register the entire lot and then they can portion it out and to define it like this is fine so they can do it and it will give a reason for the approval of the survey map downstream and then the appraisal can't be done until that period anyway but in the meantime what we would be able to provide to them is also the grant of access to the lands so they can begin to use the lands after the enactment of the law.

**Chairman Pascual Sablan:** And what does GPA have to say?

**John Cruz (GPA):** I think we are accepting that we are going to be responsible for the surveys and that we will be responsible to paying the appraisal for the lot and agree to the 180 days it would take in concert with the Chamorro Land Trust to come up with the deal in terms of a what the compensation to the CLTC.

**Administrative Director Michael Borja:** And the 180 days was originally in template that we use with the Guam Waterworks Authority in determining what would be the best way to compensate it could be a number of different ways but again it all depends to on your commissioners and what they decide to do and what they agree to do. But again we have a variety of options we can look at, land transfer, in-kind services, and things like that or outright payment of the land so that's (inaudible) the option of whatever agreement but within a 180 days to create (inaudible).

**Legal Counsel Kristan K. Finney:** What about the registering the land? You had mentioned that you are agreeable to the other things but I'm just wondering about the land registration.

**John Cruz (GPA):** So from what I understand yes it's parcel, the parcel behind the substation that's going through the land registration process already and if the.

**Legal Counsel Kristan Finney:** I'm sorry which lot?

**Margarita (DLM):** They got both unregistered 427 and 420.

**John Cruz (GPA):** So the parcel that where the substation exist today we will go in and go to the land registration process.

**Legal Counsel Kristan Finney:** Which?

**Margarita (DLM):** Which is the 427. Then they need additional land right behind it 421, which is again, unregistered.

**John Cruz (GPA)** so for bill 360-33 we will do the land registration process it will go through the usual process. The land is already surveyed we just go through the motions of registering the property with the courts.

**Legal Counsel Kristan Finney:** But not for the other one?

**John Cruz (GPA):** I believe because we are only requesting half acre portions.

**Administrative Director Michael Borja:** But the problem there is that in the land registration process you can't just register a portion of some unregistered property the entire lot has to be registered of course and you cannot subdivide it out a portion out of a piece of property out of a track of land that hasn't been registered until that whole land has been surveyed out then you going to survey it out and you can portion it out but you can't you still won't have it without registering it.

**John Cruz (GPA):** So we will have it registered first and have the subdivision portion and register that.

**Administrative Director Michael Borja:** But we have already agreed that that portion which is defined in this sketches which you guys provided, that's not going to change so we already know the size of the land, we already know those things so that's a given but down steam when you do the land registration survey map then after that's agreed then you would probably do another map which portion it out and then you still have another survey maps that you still trying to get done to because then you are going to consolidate to so you can have one general piece of property so you can do both your activities, you're adjoining the two lots. So those are multiple steps way down steam but in order to portion out your section of 421 you going to need to first make sure the entire lot had been registered to take it out. That's just the way the land registration works.

**Margarita (DLM):** There's a land registration map already and that was done several years ago. That's going to be one of the next lot that are going into the petitions.

**Legal Counsel Kristan Finney:** The thing with this lot 421 though is there are a lot of occupants. I mean it's pretty big piece of property.

**Margarita (DLM):** We provided a listing already to Andrew and I think has already completed and should be forwarded to you.

**Administrative Director Michael Borja:** In the land registration process the belly buttons of every adjacent and land owner and in the case here the squatters who are sitting on the land or the users of the land have to be touched not mailed, touched and so it's a lot of belly buttons. That's the part that takes the longest but we have process servers here that can assist with that as well so we will be in it with you guys to help out because we have a vested interest in this too as a Chamorro Land Trust so we will be there help out in those aspects and we do, Kristan Finney as the assistant Attorney General deals with the land issues as well as the land registration so we will be part of the package to help out in all of this, but you know it's something that you needed, and again this is not something that we ask just of you Guam Waterworks took it upon themselves to offer all up to us in the beginning. But it's a good standard for us to move forward because it's in their interest to get something that they need and it's in our interest to get it all done the right way the first time.

**John Cruz (GPA):** And it benefits all and we are thankful that you are taking the time to help us out, a much needed asset in order to be able to take all of that increment to the energy and to help have a better power system. So we thank you for all of that.

**Administrative Director Michael Borja:** I'm just wondering how did that get missed.

**John Cruz (GPA):** No It didn't get missed, we made a mid-correction in terms of where the sighting is and some new information came up in terms of their ability to be able to curtain the units they are working on that, but it's been in the plan to create those batteries and to help with the interim agencies.

**Commissioner Pika Fejeran:** I make the motion to approve the resolution with the recommendation to approve the recommendation listed with both those. I make a motion to approve the recommendations listed for the land transfer to Guam Power Authority of those number 361-33 and 360-33. The recommendations listed and the agenda 134 and addition to a granted access the 421 parcel for GPA's access. And that should be all be put on a Resolution to the Guam Legislature.

**Commissioner Amanda Santos:** I second that.

**Chairman Pascual Sablan:** Second. Discussion? I think we said it all, right? Okay. Those in favor say aye.

**Everyone:** Aye.

**Chairman Pascual Sablan:** Ladies and Gentlemen thank you.

**7. Administrative Director Michael Borja:** The next thing on the agenda is the Guam Educational Financing Foundation has an amendment to a ground lease that Chamorro Land Trust to sign. What it is, is I met with the people from Oric yesterday and what it is, is there's a change in who to sign, there's a signer name U.S. National Bank because of the change in financing for this funding of the schools. On the issues that we have is also to discuss a lease that is between the Guam Education Financing Foundation and Department of

Education which we didn't have but they have since provided to us and we wanted to be sure that lease doesn't talk about other things that are detrimental to the Chamorro Land Trust. So present here is Niko from GEDA and he have some comments to make on this but we will need to do is again a resolution at the end to approve this amendment and then we have a copies for the chairman to sign and we'll get it notarized. Kristan, do you have any comments on that?

**Legal Counsel Kristan Finney:** The other thing is that there's also an assignment agreement that is what the commission, with expressing and approving and I don't know if.

**Administrative Director Michael Borja:** If they've seen the assignment agreement. Yes that's what was in your package.

**Chairman Pascual Sablan:** I have a question here too. Under rental Section 3 the Ground Lessee shall pay to the Ground Lessor as and for rental hereunder the sum of One Dollar (\$1.00), per second, per minute, per day?

**Legal Counsel Kristan Finney:** That's not part of the lease that's being changed.

**Chairman Pascual Sablan:** How much are they leasing it from us, for \$1.00 for 30 days?

**Administrative Director Michael Borja:** That was the legislative transaction to transfer it over for the purpose of building these four schools and it was just a dollar. Chamorro Land Trust doesn't get anything out of it because it's for the benefit of the community by building these schools.

**Chairman Pascual Sablan:** But if you look at the demographic of the DOE population there's more 50% non-Chamorro and this is Chamorro land right? Am I being racist?

**Administrative Director Michael Borja:** Niko would like to talk about this process.

**Niko (GEDA):** What we're asking today for you Mr. Chairman is to endorse the first amendment to the ground lease which was originally dated September 1, 2006, this amendment what we did was we went out to the market earlier this summer, I believe August 4, we were able to successfully refund in 2008 and 2006 the certificates which funded the schools and the Okudo as well. We did get savings the rates were a lot lower than we did back then so this is mainly just the straight forward refunding for tons of savings for the government of Guam. So we ended up successful in refunding it. The original rates we had back in 2008 was at 6.53% and with this financing for 2016 we were able to get it down to 3.27% so it's almost fully half of that. It seems the debt service from what used to be \$7 million per year to about \$4.7 million now. And the amendment there are two name changes I do want to bring up is the first is the new trustee for this certificates it used to be Wells Fargo now it's the U.S. National Bank this is one name change and the other change is just the referencing of the original 2006 and 2008 lease and it is now referencing the 2016 in this new release based on this certificate.

**Chairman Pascual Sablan:** So actually it is refinancing and interest rates going down?

**Niko (GEDA):** Correct.

**Chairman Pascual Sablan:** How much savings are we talking about?

**Niko (GEDA):** It was about \$3.7 million dollars.

**Chairman Pascual Sablan:** For the entire duration of the contract? Is that also affecting your commission?

**Niko (GEDA):** With GEDA. I'm not too sure how they update that. But the savings is more to transfer on to the government.

**Chairman Pascual Sablan:** I think they are charging up 13% no?

**Administrative Director Michael Borja:** We are not getting charge.

**Chairman Pascual Sablan:** This is in-kind?

**Niko (GEDA):** I think the 13% is for project management.

**Legal Counsel Kristan Finney:** This is simply different thing. This is completely different from that.

**Chairman Pascual Sablan:** Thank you.

**Commissioner Pika Fejeran:** This first amendment, it's just adding on Sections to this original lease.

**Niko (GEDA):** just noted it now reference the 2016 certificates.

**Commissioner Pika Fejeran:** I see

**Administrative Director Michael Borja:** This one only deals only with the schools that were created Okudo, Adacao, Astumbo and Liguán. So when they built all those schools not long ago it was under one big umbrella bond and they were able to refinance rates. So all it is the technicality of changing the names of the signer and the trustee.

**Niko (GEDA):** Without extending the original term.

**Administrative Director Michael Borja:** What we need to have a resolution agreeing to endorse this amendment and that's all it is and then I'll type up the resolution that says you can sign the amendment.

**Commissioner Pika Fejeran:** I make a motion to approve the resolution approving this first amendment to the ground lease.



**Commissioner Amanda Santos:** I second.

**Administrative Director Michael Borja:** we'll hold it and have it notarize tomorrow.

**Niko (GEDA):** Thank you.

**Chairman Pascual Sablan:** the motion was made and second by Mrs. Santos, those in favor say aye.

**Everyone:** Aye

**8. Administrative Director Michael Borja:** If I can go real quick to the last item of no. 10 of the agenda (RFP development for the commercial properties) We are approaching the 60 days period for the approval of the three Lots on August 23 that we approved for commercial use and at the time we can begin to entertain ideas and concept to the use those lands. The first set of lands that we really want to try to move on is the one in Yigo for the housing community. There's a lot of work that needs to really go in finding the developer and all that. This thing will include the Micronesian community. This is just an idea of the kind of things that we can look at it and moving forward for getting the developer to do something in our lands and you can see they can take advantage of a lot of USDA available funds and low interest loans. What I'm looking in trying to do is to be able go and issue out after the 60-day period is gone and are advise that we can request for information so that we can get perspective developers to give us some ideas and talk about what it means to be brought up in RFP, what needs to be discussed in creating this RFP. The reason to do it publicly like that is to ensure that these individuals, if I just call them individually, someone can challenge and say, look I wrote the RFP for this company right and if they can get disqualified from being permitted to bid so if we do it publicly we have more coming in for discussion they can give us some ideas what we need to do to create RFP. In going so far as creating RFP we also we have to look to whose going to do the RFP for us as well. There are only certain organization that can technically do that and we want to make sure it's done the right way. Chamorro Land Trust is still going through the challenge to the RFP and GEDA did so you know we don't want to entangle with those kind of controversies we want something to be successful. The thought here is we are going to move on this and I'll keep you up to speed on what those are all about.

**Chairman Pascual Sablan:** I was reading that I suggest you don't get involve in the detail and let the developer do all the work and just present it to us.

**Administrative Director Michael Borja:** Well that's exactly it but we have to write up make sure the RFP includes the number of things and you know there are things in here that may not be part of it. The developer would have to do it on their own and find the source of funding to do it. They going to have to do this kinds of things but it just enlightened us to the ideas that things can be done out there by the developers out there for us we also want to make sure. They can write the conveyance of the neighborhood for us because we basically control how we want that neighborhood to run.

## **VII. DIRECTOR'S REPORT**

**Administrative Director Michael Borja:** What we also have here is the Financial Report showing you with the profit and loss is what it basically said. This is how we spent the money so far and what we received and what has been paid out in salaries and supplies and other things. In the Balance Sheet what I want you to see here is the thing called Other Assets due to/from General Fund, the \$1.3 million that's the money that that is still owed to CLTC that was taken out. If you see this is only good up to June '16 why not July because Department of Administration has not updated their books to July yet. Then what you have as well on this one print out is the AS400 transaction list of how the monies have been taken and put back in. This is what I was talking about that with this information we will have a discussion again on why DOA has not informed us. If you desire we do a resolution to the legislature we create a lock box on the funds and don't have it touched.

**Commissioner Pika Fejeran:** Can I see the aging summary?

**Joseph Cruz (CLTC):** GasB 13 tells the government local or state government that any leases with the escalation in rent should be accounted for in certain way, you will see our receivables and deferred income increase all the way to GasB 13. We created a customer called Gas B 13 only because if we recorded under the PICC or the Raceway or GTA it might create distortion or outstanding in regards to actual receipt. So we put Gas B 13 only.

**Commissioner Pika Fejeran:** You have to account for it separately?

**Joseph Cruz (CLTC):** We can put it under GICC but then it's going to read GICC's receivable as \$140 some thousand.

**Commissioner Pika Fejeran:** I don't think I understand that.

**Administrative Director Michael Borja:** If you look there a \$116,000 in the GasB 13 and you see there's negative \$33,000, \$95,000 almost \$96,000, negative \$30,000 almost \$31,000 you add all that up and it's almost \$116,000 so it offsets each other but the reason we had to do that again Joey was because these numbers mean what?

**Joey (CLTC):** The GasB 13 is just your accounting for the escalation of the rent throughout the lease.

**Commissioner Pika Fejeran:** So it's what we are expecting to get in the future.

**Joey (CLTC):** As the lease term goes further it'll increase to a peak and it will start to decrease so at the end of the lease term it will zero out.

**Administrative Director Michael Borja:** Joey can you also explain as well on the Sorenson Broadcasting what adjustment we are going to see.

## VIII. COMMISSIONER'S COMMENTS

**Joey (CLTC):** You see a credit memo to the Sorenson only because in the past they were invoicing Sorenson at \$1,090.05 which I believe the actual rent was \$897 point something so the \$192 should have been credited to the receivable but that was not the case in the past so we had to go back.

**Administrative Director Michael Borja:** Sorenson had a big account receivable, there was an agreement they were paying us over time to settle that past due and the \$800 was the standard rental payment and \$300 was to pay the past due they were being incorrectly invoiced for \$1,100. They should have been invoice for \$800 and \$300 would have gone to pay off the receivable. Because of the accounting here occurred over a number of years we can adjust the previous years so the adjustment is going to be made this year and will show an odd adjustment which will be justifiable and documentation for the auditor when that comes about. Then on top we had just giving the approval by the Public Auditor to issue an RFP to engage in another three year contract for another three year set of audits. The auditors that audit the last three years their contract had expired and now we need to engage in another three year contract. Afaisen, they had a big account receivable as well for the past due and they paid off their account.

**Commissioner Pika Fejeran:** What are we doing with the over 90 days owe?

**Administrative Director Michael Borja:** We have to continue to invoice the Guam Resource and Recovery Partners because that has not been sorted out. We told them they gone into default. They said okay. We said with accordance with the law we had to offer you a hearing and they said okay we accept and now we have to come with the hearing officer and go to that process but at the meantime we have to continue to accumulate until that's done and we have zero if it becomes notified.

**Commissioner Pika Fejeran:** Is there an agreement in the Country Club for their payment?

**Administrative Director Michael Borja:** Well we are going to work with them in the 60-90 days the \$2,000 shortage in the payment for some reason we will be on top of them but remember the 1-30 we give them 0 days once we issue it.

**Administrative Director Michael Borja:** In the United States Postal Service we realize that may have period in time in which their leases lapse they decided they didn't want to renew their contract that was kind of something going on with the U.S. Postal Service. They continue to operate those facilities and then they came back and say we want to do this. And it was really interesting because that's how I knew somebody was not intune with what was happening because someone from Guam – Hawaii (inaudible) where is this coming from and the other person said we did it so just live with it. So there's this period of time in which we believe they should have been paying for so we just have to go back and address that to let them know you need to pay for that gap.

**Commissioner Pika Fejeran:** I have a question on the revenue question. There's a couple people here that have two different application does that mean they are applying for agriculture and residential? Mimi is twice, Ana Marie. Is it \$50 for both residence, and agriculture, one application? Why are we getting two applications? Because if we allow people to apply for both residential and agriculture (interrupted).

**Legal Counsel Kristan Finney:** If we had more time I was trying to see what applying in the rules and the law and actually and the restriction is on you can only have one house so a person can actually can have a residential and agricultural lease but they can only have one house. As far as I can tell that's just a quick reading in it. What people might have been thinking (inaudible) on having two leases. I think they can as long as (inaudible). I'll find out and send the Section, I think it's in a rule. If they have a house on the agriculture then they have to give us the residential.

**Commissioner Pika Fejeran:** if they have a private property with the house they can't have another house.

**Legal Counsel Kristan Finney:** Actually, if it's a residential property that has to be their primary residence. There's no restriction they can own other property but they can't they have to be residing (inaudible) there's whole bunch of rules in how they have to be using it. And then for the agriculture they have to be (interrupted)

I kind of sort of briefly look at that so I will send the (inaudible).

**Note:** Mr. Daniel Babauta was moved to this spot from the new business, represented by Lydia (CLTC)

**Administrative Director Michael Borja:** Do we want to talk about Daniel Babauta on the lease. Request for survey authorization section. The only reason I ask to be on the agenda is this is like his third time that he has failed to do his survey and it would be better if he is here to face on what's going on. Is there a reason why he's not able to do them?

**Lydia (CLTC):** He is an employee of DOC and he's working 12-hours a day and so therefore when he's off the few surveyors that he is able to contact have turned him down and have told him they do not do surveys for Chamorro Land Trust applicants. So after he explained to me the reason and I checked with my supervisor, Matt Leon Guerrero, he had suggested that I give a couple names and I did and I spoke to him and gave him the names of the surveyors and he was able to talk to one Mr. Castro who said he is more than willing to take on his case. He just needs the survey authorization before he can sign the contract.

**Administrative Director Michael Borja:** Now I recall why I asked for you to come here not so much because of the individual not performance but because that's the issue we've had with the surveyors. They don't really want to do the work for CLTC because it's this kind of low piece of land here. The land is part of a large parcel that they have to survey the entire thing just to come up with the tiny little lot and that's become very expensive on their part as well. So the push is to try and move to try and get the survey to be done in mass.

**Legal Counsel Kristan Finney:** I understand from the survey from our friends also if the Chamorro Land Trust can do the survey then we have control over the survey because you are the client not the lessee. I think that's what you want when you are doing the survey it's just the matter.

**Administrative Director Michael Borja:** The surveyors want to do it that way we want to be able to control it that way as well. It would probably be cheaper so I'll be moving forward in trying to ensure the legislature gets that money into the budget if not we will ask for separate appropriation. But as far as Mr. Babauta I probably authorize the other survey authorization again it's just I wanted you to know why he's not this issue and it's not really their fault but this is what the applicants are facing in trying to get their survey.

**Commissioner Pika Fejeran:** I have some of the commissioner's comment I was asking to move forward. In the next one I was asking about in our working session the MOU with the USDA asking to maybe put this on our next meeting agenda so we can talk to them and see what they are offering. They are wanting to set up MOU with CLTC where we would share information about our agriculture lessees and they would be able go to them directly and work with them and help them in their agricultural endeavor. Is this something we would like to entertain?

**Administrative Director Michael Borja:** I think for the rights of the agricultural lessee it would be something we would tell them rather than giving them a list of government agencies. But we can talk about it USDA comes in all different forms. It's incredible what they do come up with but you know the next step is they going to be policing our conservation easements for us whether we want them to or not. That's why we have to be careful in that process, but yes we will work on it on the next agenda.

**Commissioner Pika Fejeran:** I completely see your point them because we have to give them our contact information on the existing agricultural leases.

**Administrative Director Michael Borja:** It's privacy stuff and they may not want to be entertain but we can tell give us the stuff you want us to mail to them and we'll mail it to them. The next one I wanted to bring up is working sessions for our budget and also our visioning and strategic plan. Chairman you mentioned from our last meeting back in June coming up with our short and long term goals for the CLTC and think that is still on we've heard almost every case today was people coming forward saying right this wrong or fix what happened before so it could have been our interest and in the mission of the CLTC address to actually set some time aside and get everything out on the table so we can start coming up with the plan to address these issues rather on a case by case basis like when they are brought up to us. Working session.

**Chairman Pascual Sablan:** I would like you to bring it to here so we can discuss and go on record but our hands are tight like today. I think this is the longest meeting we ever had right.

**Commissioner Pika Fejeran:** Right.

**Administrative Director Michael Borja:** What we can do is sit down so we discuss what some of the stuff that we wanted to work first and create that stuff for you then we bring it up at the meeting cause no decision should be made in working sessions. You can brainstorm.

**Commissioner Pika Fejeran:** I can come up with outline or template for the working session.

**Commissioner Amanda Santos:** Meeting adjourned. Pika second. All say Aye.

### **IX. ADJOURNMENT**

Commissioner Pascual Sablan moved to adjourn the meeting. Commissioner Amanda Santos seconded the motion. Meeting adjourned at 5:05 pm.

Transcribed by: Ruth Sakuma, Administrative Assistant: 

Approved by Board motion in meeting of: 10/20/16

Michael J.B. Borja, Administrative Director: 

Date: 10/20/16

Pascual Sablan, Chairman: 

Date: 10/20/16