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COMMISSION MEETING MINUTES

Department of Land Management Conference Room
3rd. Floor, ITC Building, Tamuning
Resumption of January 16, 2020 CLTC Regular Meeting
Thursday, January 30, 2020; 1:16 p.m. – 4:45 p.m.

Public Notice: The Guam Daily Post on January 9, 2020 and January 14, 2020

Chairwoman Pika Fejeran: I would like to call this CHamoru Land Trust Meeting to order, this is a resumption of the regular meeting that was held Thursday, January sixteenth 2020. Public notice for that meeting was provided on the Guam Daily Post on January ninth and January fourteenth. The meeting was recessed on that day and the meeting resumes now; so, I'd like to call roll call.

ROLL CALL:

Chairwoman P. Fejeran: I'm the chairperson, Pika and I'm here. Commissioner Tan Amanda Santos.

Commissioner Amanda Santos: Here.

Chairwoman P. Fejeran: Commissioner Arlene Bordallo.

Commissioner Arlene Bordallo: Here.

Chairwoman P. Fejeran: Joseph Cruz.

Commissioner Joseph Cruz: Here.

Chairwoman P. Fejeran: Legal Counsel Nicolas Toft.

Legal Counsel Nicolas Toft: Here.

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

Administrative Director Jack Hattig, III: Esta gue yu', (I am here) Madam Chair.

Chairwoman P. Fejeran: Absent today is Mr. Austin Duenas who served as Acting Chairperson at the January 16th part of this meeting. I'd like to ask Legal Counsel to confirm that the public notices that were provided for the January 16th meeting satisfies the Open Government Law for today's resumption of the meeting?

Legal Counsel N. Toft: Yeas, it does.

Chairwoman P. Fejeran: It does. Have all interested parties that were not for the items that were tabled, have all the interested parties been informed of today's meeting resumption?

Administrative Director J. Hattig: Yes ma'am, they have.

Chairwoman P. Fejeran: Okay, thank you. We've been provided with a CLTC motion summary documenting the January sixteenth actions made so if we could just take a moment to review that. I want to apologize to the Commission and to all of the staff and our beneficiaries. My absence at the January sixteenth meeting, it was a bit out of my control but I would say that in the four years that I served on the Commission it's the first and only meeting that I've been absent to where I was

actually, here on island. I've missed meetings but I was always off island so this is the first time and I'm sorry that it had to happen but thank you all for reconvening the meeting and Commissioner Bordallo and Commissioner Santos for being here the last time. Question, under the CLTC Motion Summary, under the minutes for August fifteenth, did that pass? The motion to approve the August fifteenth minutes?

Administrative Director J. Hattig, III: Yes ma'am, it did. When we do the motion to complete the meeting? We'll do the amendment for the additional.

Chairwoman P. Fejeran: Okay so from my look of it, the Agenda Item three approval of minutes from our January sixteenth meeting has been completed? Is that right? No other pending?

Administrative Director J. Hattig, III: No.

Chairwoman P. Fejeran: Okay, thank you. Moving on to Old Business, Agricultural and Residential Leasing. Are there any leases that we should be looking at for the Switch and Transfer Leases or were all of those taken care of at the last meeting?

Administrative Director J. Hattig, III: They were all adjudicated already.

Chairwoman P. Fejeran: They were all adjudicated. Okay, thank you.

Commissioner J. Cruz: That was six?

Administrative Director J. Hattig, III: No, actually the motion summary represents the entirety of that. So, there were three actually so instead of six only three were able... two more proffered to the Board instead of six. Initially we had six, we had to remove three so that's why only 3 showed here on the motion summary.

Commissioner J. Cruz: Oh okay.

Chairwoman P. Fejeran: Okay, thank you. So, then we arrive to our first tabled agenda item which we will be discussing today under Old Business, 1b. The Proposed Standard Operating Procedure.

Old Business

1b. Proposed Standard Operating Procedure

Chairwoman P. Fejeran: So, we did review this at the December meeting I believe and it looks like the Standard Operating Procedure has been revised as requested.

Administrative Director J. Hattig, III: So the portions in yellow are the additions that were requested by the Commission and then the strike outs are also at the request of the Commission to remove so I included them just so you can see what they were in the past and then I did include the additional within the document notes that we had taken so the notes are there to guide us for our discussion and then if there are any clarification that is needed. I also wrote in and if I needed any clarification it was to guide our discussion for today.

Chairwoman P. Fejeran: Okay, thank you. So, if we could just jump to your notes under Part one, Application.

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: Number three, Suggestion: Creation of processing date instead of received date; clarification request.

Administrative Director J. Hattig, III: Right, I wanted to find out... it was unclear and I went back and I reviewed the audio and I was trying to determine when we had the conversation about processing date versus review date; what exactly the definitions of those two were so that I can include it in the actual verbiage.

Commissioner J. Cruz: On the management part; how is our Survey Division associated with our Agency when we don't have a supervised by a licensed surveyor and we have two individuals that are working at survey. How is that going to be a...

Administrative Director J. Hattig, III: That's based on the position description. I really can't control the supervision of those two individuals although they are on our staffing pattern as CLTC's employees.

Commissioner J. Cruz: So, who's paying those?

Administrative Director J. Hattig, III: It's CLTC, they're getting paid under CLTC.

Commissioner J. Cruz: So, who's going to be evaluating them?

Administrative Director J. Hattig, III: Right now, their evaluation is the licensed professional surveyor.

Commissioner J. Cruz: And that's from a different agency?

Administrative Director J. Hattig, III: Right, because that's how it's written in the...

Commissioner J. Cruz: So, what is your part supervising these two as a Director of CHamoru Land Trust. How are you going to associate an evaluation of another agency to your staff? Is there an arrangement or an agreement with Land Management that they'll be responsible of...?

Administrative Director J. Hattig, III: We can definitely find out if there's a preexisting...

Commissioner J. Cruz: Because this is very broad; the way you indicate Survey Division is embedded in the Department of Land Management's Survey Division because CLTC engineering tech must be supervised by a Licensed Surveyor. An engineering tech is different from a surveying tech.

Administrative Director J. Hattig, III: I'm just following the current, I can find out for you Mr. Commissioner.

Commissioner J. Cruz: Yeah, you need to elaborate on this.

Chairwoman P. Fejeran: Okay so for Part one, Application, so it looks like you struck out the interview at this part of the process?

Administrative Director J. Hattig, III: Correct, because it was indicated that the interview was necessary at this particular portion at the beginning and that we call it a Review Check List.

Chairwoman P. Fejeran: Awesome. Okay, thank you.

Administrative Director J. Hattig, III: I did provide a rationale though because you had asked; why we should have an interview, so I incorporated the rationale.

Chairwoman P. Fejeran: Okay. I mean an interview is necessary but I think later on in the process once they're already qualified and all that stuff...

Administrative Director J. Hattig, III: Of course. Okay.

Commissioner J. Cruz: I have a question on one of the... on one point four; it says, payments for application fee. Is there a difference between official submission and accepted applications, because I'm reading through here and at what point do, we identify the application is completed?

Chairwoman P. Fejeran: We set it up, if you look at one point two B; Incomplete Applications will not be accepted.

Commissioner J. Cruz: Did you guys consider official submission a complete application?

Chairwoman P. Fejeran: Yeah, it's one in the same, I think we need to combine those two.

Administrative Director J. Hattig, III: Official submission in the beginning was they just came and turned in the application that's it. They acceptance...

Commissioner J. Cruz: With no documentation?

Administrative Director J. Hattig, III: Right, because we had experienced that; where they would just turn in the application so that's an official submission but it wasn't a completed application because not all the documents were... as you guys indicated. In order for it to be timestamped you need to officially submit the document right then and there and then that's when we give them the timestamp and then they can turn in their qualifying docs and it can occur after, the qualification can occur after they're given the timestamped.

Commissioner J. Cruz: I think that's where we're going to have to reset that process because a lot of them will wait to submit and they drag their submission; either... and if you're going to wait until the payment is made maybe a week a month after they've put in their application that's when they'll come in so to shorten the process and to make less confusion be direct on the payment application fee that it is the final because you're paying for process and the process involves the rest after the payments are....

Administrative Director J. Hattig, III: Okay, so we can include the payment of the application fee upon the official submission of the application, right? Is that what you want to do?

Chairwoman P. Fejeran: Well the law does say they have 30 days to pay the fee.

Commissioner J. Cruz: Well on the bottom it says...

Chairwoman P. Fejeran: D, right? So, strike out D.

Commissioner J. Cruz: Yeah.

Chairwoman P. Fejeran: Okay so we'll strike out one point four D. I think that's a little confusing here. I'm looking at one point three C, placement of... okay, so somebody submits a complete application they get... and only complete application are accepted; complete application means; the application form is filled out and notarized and they've submitted all of their qualifying documents.

Administrative Director J. Hattig, III: Right, that's the idea.

Chairwoman P. Fejeran: Okay so then it's timestamped and at the same time it's timestamped a numerical designation is given?

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: But then, after that numerical designation is given, one point three C; it says, the applicant will be added to the island wide agriculture residential waiting list.

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: I believe that qualification has to happen before they're added to the list, so I would just say, remove one point three C, D and E and then it should go right into payment of application fee and then the qualifying and determination of qualification, two point one, two point two. The information updates beneficiary changes and everything that comes after, after they've been qualified then we put them on our list then information updates happen.

Commissioner J. Cruz: But won't that be the same as when you start paying your fee?

On one point four then you turn around and two point two determining a qualification; should we also tag that in upon a payment of processing fee? Because why process if they don't qualify?

Administrative Director J. Hattig, III: And that's the issue I brought up at the last meeting was I wanted to make it so that we qualify them and then they can make their payment at that time because it doesn't make sense and the Legal Counsel, he weighed in and he said that this provides a unique opportunity to solve the unpaid applications part or the unqualified applicant part; we can solve all of that by requiring that right then and there...

Commissioner J. Cruz: I think the best thing to do is just reshuffle your section. Section two point two versus one point four. Just reset and that will accomplish the intent of finalizing payment of the processing fee.

Administrative Director J. Hattig, III: Okay.

Commissioner J. Cruz: ****inaudible**** and then come in and determine whether you qualify?

Commissioner A. Bordallo: Why not qualify first before you pay?

Commissioner J. Cruz: Yeah.

Chairwoman P. Fejeran: I'm sorry, what did you say? Did you say not qualify them first?

Commissioner A. Bordallo: You have to qualify them first before they pay. Unless, it's just a processing fee.

Chairwoman P. Fejeran: I see it as a processing fee. They're paying the department fifty dollars to take the time to determine if they're qualified and if they're not qualified; okay well, we did work and you paid fifty dollars so that's what that is.

Commissioner J. Cruz: A lot of the clientele right now are saying, I paid fifty dollars. I got my receipt and I haven't heard from you for whatever reason.

Chairwoman P. Fejeran: If they're qualified or not?

Commissioner J. Cruz: Yeah, they don't even hear that.

Administrative Director J. Hattig, III: And we revamped that. We've issued qualification letters now because it's according to the law. I have to send them a notice, so we now do a qualification letter and then in the letter it says; you may please come in and process your payment but if you desire that they process the payment beforehand we can always do that.

Commissioner J. Cruz: We're setting ourselves up into a... because once you take money from your client, you're expected to do something or work something out, whether they qualify or not. So, I guess just renumbering your section would be okay with us.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: Okay, yes Sir. And you want it a part of up, here right? You want it...

Commissioner J. Cruz: Just synchronize it where when we read the statement of the SOP it goes through the final (inaudible).

Chairwoman P. Fejeran: So, looking at two point two-A. Within thirty days of submission and determination based on documents provided the applicant will be notified of qualification through a letter. Is it status of qualification?

Commissioner J. Cruz: So maybe bring that up to sixty days.

Chairwoman P. Fejeran: The law says thirty days.

Commissioner J. Cruz: No but you have thirty days to pay your fee and another thirty days for your qualification.

Administrative Director J. Hattig, III: I was trying to align it so that it's the same. That's what I was trying to do.

Multiple discussions

Chairwoman P. Fejeran: So maybe we say... well are letters being sent out if they are found to be not qualified?

Administrative Director J. Hattig, III: We do notice, a letter of none qualification and it does state whether you are not qualified or not.

Chairwoman P. Fejeran: Okay so maybe we could specify here where we notify the qualification or none qualification. So, are you saying, you're not going to be sending out a letter until you see that they've paid? Is that what you're saying?

Administrative Director J. Hattig, III: Well we try to do that because we don't want them to not be qualified and then they paid. We try to give them the courtesy and then in my letter it says, please come in and make payment of your fee, your fifty-dollar fee.

Chairwoman P. Fejeran: Okay.

Administrative Director J. Hattig, III: Because we have done the work so they're going to...

Chairwoman P. Fejeran: But for those that are unqualified, you're saying, I'm sorry you're unqualified so you don't have to pay? So, it's like a free service?

Administrative Director J. Hattig, III: Well until they do qualify because sometimes it's a matter of going back to MARC and getting additional research so at that particular time they are not qualified until they submit more documentation or otherwise and then they may be qualified after that.

Chairwoman P. Fejeran: Okay, I just want to make it clear that the Commission is okay with applicants not paying if they're not qualified.

Commissioner J. Cruz: Yeah.

Chairwoman P. Fejeran: **Commissioner Bordallo?** You only pay for your application processing if you're qualified.

Commissioner A. Santos: Yeah.

Commissioner J. Cruz: What would be the fastest process to identify a nonqualified individual?

Administrative Director J. Hattig, III: Well if they don't have the birth certificates of their mom or dad, they don't meet the direct qualification of the Organic Act. That's the fastest way to determine if they are qualified or not. We would look and see if they were here on island during the passage of the Organic Act and therefore that is what is the determining factor; so, I just look at that and once I see that it's not ****inaudible****.

Commissioner J. Cruz: With that being said, you haven't considered the term?

Chairwoman P. Fejeran: The settlement term?

Commissioner J. Cruz: Yeah, because even if they don't have the qualification birth certificate and their name is a ****inaudible**** individual they are qualified.

Chairwoman P. Fejeran: Yeah, so I was going to bring that up. I was going to say maybe we should revise this part of the SOP as indicated in this meeting and then provide a proposed revised SOP based on the new settlement terms for qualification. It's going to be very different and I know it'll show good faith that the Commission is already working to be ready to implement as soon as the law is passed. So, are we okay with the application part one and part two of the SOP?

Commissioner J. Cruz: Yeah.

Chairwoman P. Fejeran: With those revisions? And a separate proposed SOP for those same parts, part one and two based on proposed settlement terms from the case of DOJ. Okay, so moving on to Part three; Lot Award, I see some notes. Okay, I appreciate all the notes and especially your suggestions. Your suggestions are quarterly announcement of available properties and then ****inaudible**** subdivision master plan for existing tracts. So, my question is, what is your estimate... because you also acknowledged that awards should be based on available property instead of applicant request, right?

Administrative Director J. Hattig, III: Right.

Chairwoman P. Fejeran: I think that really changes how things have been operating here in the past and I appreciate that because we have so many people to get through and in the past, we're just servicing the same person trying to satisfy them. So, now we're focused on okay the property is available we're going to go down our list and do you accept this property? No... no... no... okay we got somebody.

Administrative Director J. Hattig, III: These were suggestions and notes and made during that meeting so they're not necessarily coming from me. They're coming from the discussion and that's what was mentioned, number four, number five, and number six were mentioned in the audio so I included it as part of the notes.

Chairwoman P. Fejeran: Thank you. I wonder if we can preface this part three with that kind of caveat. Lot awards should be based on available property so the property drives the process not the applicant. If you're going to be incorporating this suggestion five; quarterly announcement of available properties, what is your goal for the number of properties?

Administrative Director J. Hattig, III: Well, right now we're conducting a property inventory, a lot inventory. The whole entire inventory of the Trust so when we get that data it's going to drive what is available and then based on what's available, we can compartmentalize it because as what you indicated we wanted to do it. The lease process through cohorts so that's what I wanted to do also, is based on that announcement. It's based on the number of cohorts that we're about to move forward; so that announcement will be based like that. It's a goal number one, number two; we also looked at the Land for the Landless properties and so you had indicated that it's our hope that maybe we can utilize those properties once we get certification so that's another a goal that we could work towards and then we would look at. Well as far as the announcement is concerned, we could do it a lot of different ways through the mayors' especially because the mayors' have been very cooperative about getting the announcements out. So, in that village whatever properties that we have in that village we would be able to announce those properties regionally rather than having to pay for an entire newspaper article, perhaps, right, that might be cost prohibitive so that's something. That's another goal that we look forward too; how we could decide what properties were announced and then of course the monthly report to the Commission on availability of properties, that might be another check and balance right is that we would report to you what properties were available and in what condition that way a determination can be made. Like, if you wanted to issue leases and its residential leases only or agricultural leases only based on the property that we've summarized for you.

Chairwoman P. Fejeran: Okay, then what I would like to see for part three lot award, instead of jumping right into applicant information, I'd like to have a new section three point one that goes into identifying those available properties.

Commissioner J. Cruz: Are you going to categorize these properties that you're identifying?

Administrative Director J. Hattig, III: Well what we have are...

Commissioner J. Cruz: What kind of identification are you displaying or announcing on these available properties?

Administrative Director J. Hattig, III: Do you have an idea of anything specific like an identification of agricultural versus or residential?

Chairwoman P. Fejeran: I think maybe... well for our internal purposes we want to know exactly where but for the public by a village, number in each village. What do you think? What I'm trying to get down here on this new section, Identification of Available Properties is let's say in the second quarter of 2020 we've identified one hundred lots that are available

and then we go out and we look at our listing and let's say all one hundred are residential, we go out we look at our listing with people on our waiting list and provide notice to each of them saying we have properties available come in and talk to a land agent and they come in they have an interview we make sure that they are priority one and once they've agreed; they're not agreeing to a specific property, right, they're saying; yes, I would like to receive a property and then we have a leasing ceremony where we have all one hundred that have agreed to receive one of these one hundred lots and then they pick lots that way. I believe that was how it was done in the past when we first implemented in '97. What are your thoughts?

Commissioner A. Bordallo: That's fine.

Chairwoman P. Fejeran: It's fair, I think it's the most efficient way.

Commissioner J. Cruz: You know the ****inaudible**** that you would like or what I would like to see is we receive this parcel from the program under Land for the Landless. These lots are already in subdivision so if you go out there and advertise it that you have twenty lots in Malessa and there's sixty lots in Umatac and then you compare your availability of applicants within those areas. I think that would be your best model to start advertising available lands because if you identify a huge track in Umatac; a huge track in Dededo you have to survey individual lots before you assign those leases. It's available but it needs to be surveyed and there's a lot of those out there but being that the Land for the Landless is already an improved subdivision including Inarajan. Inarajan the Ija subdivision those are all partial lots that were approved by subdivision. That's why I'm asking if you have road opening, those are the subdivisions you need to start working with.

Administrative Director J. Hattig, III: And our land inventory project is taking to account access and utilities so we could provide that information real time back to you guys so we know where to expand or where to if we get the money back from the survey and infrastructure fund we can put it to a specific subdivision like what you're suggesting.

Chairwoman P. Fejeran: Well I'm glad to hear that you guys are working on this whole inventory but I think what I'd like to see at least is if you get one area done, let's go full force and start leasing there before we have to wait... you know, there's a lot of property and if you get one area done and you've identified ten properties let's do it. Let's get out there and start leasing instead of waiting for everything... all the inventory to completed.

Administrative Director J. Hattig, III: And we'll report to you once we get the first tract done because we've identified a track and then based on the number of lessees that are already there so that way we work with existing information and like what you've mentioned, we don't double our efforts, right. We don't have to go through too much work and once we've identified that entire track and we've covered it then we'll report back to you and then we can put the cohorts together for the leasing of the lot or that track.

Chairwoman P. Fejeran: Okay. So, looking back at the existing three point one, notice of numerical designation, I think the current three point one is still applicable but I think it would probable fall under the new three point two the noticing of those next on the waiting list or something...or maybe noticing of applicants eligible.

Administrative Director J. Hattig, III: On the new three point two? That's what you're saying?

Chairwoman P. Fejeran: Yeah, so we'll move the old three point one to three point two so now we have three point two that changes to three point three. Three point three-A an applicant who...response to the designation shall meet with the land agent to determine three perspective properties for inspection, okay, we're not doing that anymore.

Administrative Director J. Hattig, III: Yeah, I know. I just put that as the base.

Chairwoman P. Fejeran: But we weren't doing that, right?

Administrative Director J. Hattig, III: Right.

Chairwoman P. Fejeran: So, I would say, if they respond then we inform them of this process. Okay, here's the lots and at that point if they responded then we can show them exact detail, we have twelve up here, we have eight over here, twenty down here...

Administrative Director J. Hattig, III: So, lots that are available? Right? Whatever is available at the time?

Chairwoman P. Fejeran: Yes. And then from there, we tell them; if you accept this award you accept it on the terms of getting your lot by lottery.

Administrative Director J. Hattig, III: That's like the Notice of Intent to Award? We would inform them at that point?

Chairwoman P. Fejeran: I think the notice of intent to award is the new three point two, notice of intent to award. I know we have our team over there, please chime in guys because I know that you guys really worked this process. Does that make sense with cohorts and the...are they nodding?

Commissioner J. Cruz: Speak up, you're...

Chairwoman P. Fejeran: Yeah, speak up you guys are going to be the ones administering this so...

Commissioner A. Bordallo: Any suggestion?

Chairwoman P. Fejeran: Yeah, any suggestions?

Administrative Director J. Hattig, III: Don't be shy.

Commissioner A. Bordallo: Director Hattig, just work with them on this.

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

Chairwoman P. Fejeran: Oh, I see, so three point three is the notice of intent to award.

Administrative Director J. Hattig, III: Yeah, that's why I asked about whether you wanted to put it into...

Chairwoman P. Fejeran: I think that it should be three point two. Yeah, the Notice of Intent to Award is part of the public noticing and the personal noticing saying we have available property are you willing to accept any of these via lottery. So, for part three I think I've mentioned like premise for part three.

Administrative Director J. Hattig, III: Yeah like a preface that you wanted and you said, award should be based on available property instead of applicant, right?

Chairwoman P. Fejeran: Yes, and it will be run in cohorts and lot selection will be done after the notice of intent of award has been accepted and then it will be done by lottery.

Administrative Director J. Hattig, III: Okay, I'll write out the preface and I'll send it to you and then we can communicate back and forth.

Chairwoman P. Fejeran: Yeah, maybe at the next meeting if we can have it. Okay so the Notice of Intent to Award three point three as written I don't think that's what this is about.

Administrative Director J. Hattig: Yeah, the notice of intent was the actual memorandum that was sent to the individual informing them of these. In Part B, the survey authorization, the utilities, the clearing and grading and preparing them for that eventuality so the process, noticing them about the lot also, like, you have selected this lot, you've notarized that you've accepted this lot so here's our notice to intent to award the lot that you've accepted to you that's really what...

Chairwoman P. Fejeran: I think the Notice of Intent to Award is up at three point two. We've identified the property.

Administrative Director J. Hattig, III: Yeah.

Chairwoman P. Fejeran: Oh, so you're just explaining how it was done before?

Administrative Director J. Hattig, III: Yes. Just keep in mind that everything is current to when I came in on February last year. This is what the practice was so we're attempting to make it better of course through this process.

Chairwoman P. Fejeran: So, three point three, as it's currently written will be stricken?

Administrative Director J. Hattig, III: Sure.

Chairwoman P. Fejeran: Okay. I think it's also important that we indicate the available properties... I know we talk a lot about surveying and at least for the first few cohorts we have enough fund in our Survey and Infrastructure Fund to conduct surveys ourselves for these tracts that you're looking at? Right?

Administrative Director J. Hattig, III: I mean we would have to... it's very hard costing; if I could have Pierce and Mel...you know costing for surveys, if you could explain a little bit about how a surveyor would determine the cost of a survey.

Engineer Technician II Pierce Castro: Basically, just look at the terrain that's basically what he has to do and then they would come to us and they'll provide a ****inaudible**** in-house maps and everything else and then he'll judge it by that.

Administrative Director J. Hattig, III: Yeah, so that's the reason why it's hard to determine cost associated because we give them a challenging area that is topographically challenged or maybe an area that doesn't have access, surveyors are going to charge a little bit more for those properties than they would a property that's relatively flat and has a road that goes to it.

Engineer Technician II P. Castro: We're currently having an issue with Planning Division. The Chief Planner is requiring us to have the easements staked out and I've been getting the ****inaudible**** for the cost to be passed onto the client which is ****inaudible**** unless the government does it.

Administrative Director J. Hattig, III: So, basically when they survey their lot, the portion in front that has the easement is staked out and for that particular lot only not for the entire easement.

Engineer Technician II P. Castro: So, some of these lots can be...

Commissioner J. Cruz: So, when you say, staked out it's just an imaginary line or is that severed?

Engineer Technician II P. Castro: Severed...

Commissioner J. Cruz: Because if it's severed, it's going to be a separate lot from the parcel you're creating.

Engineer Technician II P. Castro: Right.

Chairwoman P. Fejeran: Who's Planning? This is Land Management?

Administrative Director J. Hattig, III: Yeah, it's Land Management's Planning Division so we're hard pressed to try to get our clients to survey so that the road can be...

Commissioner J. Cruz: Let me ask this, how did this notice this survey authorization how is it created into these mandates or to this policy? Who authorized or what...?

Administrative Director J. Hattig, III: I wanted to ask... we have a couple of Land Management employees that were designated to us and recently they're re-designated to us to help us out so I'd like for them to explain the history of the Survey Authorization because it has changed so many times in the past.

Chairwoman P. Fejeran: Yeah, I mean for... I don't know if I want to get into this at this point but, I believe survey should be done by GovGuam and these costs should not be

passed on to our beneficiaries. So, if we can, Director; if you can revise part three, lot award based on our discussion today and have it ready at the next meeting to review approve. What I'm hoping for is at the next meeting we have a least this part of the process documented in a way that makes the Commission feel comfortable to authorize the Director to go through this process for our first ****inaudible**** Land for the Landless. Can we aim for that in February meeting?

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

Chairwoman P. Fejeran: And I know it's going to be a living document, right? You're going learn really how this goes but I really want to start leasing, start this process, engage with our applicants again and work through our waiting list.

Administrative Director J. Hattig, III: I've instructed the staff, they're going through the December second 1995 and we're identifying the next ten, at least the next ten to already start preparing for noticing. So, once we get this in place, we can start immediately.

Chairwoman P. Fejeran: Yeah, let's do one hundred because Land for the Landless is 102 or something.

Commissioner J. Cruz: Add in ninety.

Administrative Director J. Hattig, III: Amen.

Chairwoman P. Fejeran: Yeah.

Administrative Director J. Hattig, III: The next one hundred on the waiting list, got it.

Chairwoman P. Fejeran: And then included in this Part three and then tell us what happens when people don't respond because I know you're going to get that.

Administrative Director J. Hattig, III: Okay. Non response.

Chairwoman P. Fejeran: Also, for Noticing of Intent to Award, of course there's the letter to the applicant.

Administrative Director J. Hattig, III: And this is in three point two, right?

Chairwoman P. Fejeran: Yes. So, there's the letter to the applicant. Also, what other methods are you going to utilize? What other methods are required by law, we got to put that in here. Okay, does the Commission want to continue for part four or are we okay with this part one, two, three for now?

Commissioner J. Cruz: I think part one, two, three is fine.

Chairwoman P. Fejeran: Part four would include the lottery part of it, right? So maybe we should revise... I think three and four is actually one part, right?

Administrative Director J. Hattig, III: So, lot award and lease issuance would be one section?

Chairwoman P. Fejeran: Yeah, let's combine that.

Commissioner J. Cruz: So, four would be administration?

Administrative Director J. Hattig, III: Part four would be lease administration so once we've consummated the lease and we're now ready to work with them on farming or building a residence that's really what lease administration is designed to do. It covers things like beneficiary designations and power of attorney. It covers legally transferring a lease in affirms them and lays out the procedure for which that happens...

Commissioner J. Cruz: So that considered a program also?

Administrative Director J. Hattig, III: Which one?

Commissioner J. Cruz: Lease administration.

Administrative Director J. Hattig, III: It's the next step in the process because you know, it's all just one process that keep going until really the lease is finished but you know it's a ninety-nine-year lease so we don't know where that is right now. But lease administration

just lays out what is available for them during that period of time. If they wish to change beneficiary, if they wish to add power of attorney, if they wish to transfer the lease so it really just...

Chairwoman P. Fejeran: All the housekeeping stuff.

Administrative Director J. Hattig, III: Right, and then it also goes into additional considerations, five point four, right, is the farm plan and the home construction. So, it begins that portion so we sit down and point them in the right direction, Department of Agriculture or Guam Housing Corporation for instance or SBA so we meet with them and we discuss that. That's how lease administration was laid out.

Commissioner J. Cruz: So, both financial and development program is applicable to this.

Administrative Director J. Hattig, III: Right because you know, we want them to succeed you know we want them to realize their dream so this is the portion that they can work with us on after they get their lease.

Chairwoman P. Fejeran: Okay. So just to reiterate for the February regular meeting, we're hoping to have part one and two with revisions provided for approval and a separate proposed SOP for those same parts one and two based on the settlement terms and a revised Part three and four based on the cohorts, Lot Awarding, Noticing of Intent to Award and Lease Issuance.

Administrative Director J. Hattig, III: Can I maintain communication with you as we go beforehand, guide me you know help me so I can provide what it is that you want in twenty February?

Chairwoman P. Fejeran: Yeah and I'm hoping again that the Commission will move to approve these and you can start going down the process to get leases out.

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

Chairwoman P. Fejeran: And we would still start with Land for the Landless, the first cohort.

Administrative Director J. Hattig, III: The certification is forthcoming because basically what happened was Land Management gave us the transfer and then gave us a memorandum removing certain things from that transfer because they weren't complete. So, we're working on the clean list. We don't want to lists hanging out there so once we get the clean list it will be provided.

Chairwoman P. Fejeran: Okay well let's aim for the February meeting. You said, February twenty?

Administrative Director J. Hattig: February twenty is the next scheduled monthly meeting.

Chairwoman P. Fejeran: Okay, let's try to have that done. This Land for the Landless has been since last year.

Administrative Director J. Hattig, III: Yes.

Commissioner J. Cruz: You know when they did the transfer of Land for the Landless, was there ever recorded documents into land records?

Administrative Director J. Hattig, III: Let's ask.

Land Agent Supervisor Matthew Leon Guerrero: There was.

Commissioner J. Cruz: There are?

Administrative Director J. Hattig, III: Yes.

Commissioner J. Cruz: Because if we record a lease that will be reflecting as a chain of a...on the abstract.

Chairwoman P. Fejeran: Okay, are there any other comments from the Commission on this agenda item, Proposed Standard Operating Procedure?

Commissioner J. Cruz: We're good.

Chairwoman P. Fejeran: Okay, moving onto Commercial Leasing, 2a, Global Recycling.

Old Business

2a. Global Recycling

Chairwoman P. Fejeran: We have been previously provided with a proposed licensed agreement with Global Recycling and we had also previously been provided with the financial documents that we requested from them. Do we have a representative here today?

Administrative Director J. Hattig, III: No, unfortunately we couldn't confirm participation from Global today. However, we do have a revised licensed agreement in consultation with the Legal Counsel so if you could just take one and pass it back.

Chairwoman P. Fejeran: So, this staff report that was previously provided still stands, right? There's no change?

Administrative Director J. Hattig, III: Notwithstanding the lease, I'm sorry, the proposed license agreement that's being handed to you now.

Chairwoman P. Fejeran: What's the difference from the one we saw?

Administrative Director J. Hattig, III: They were...the one that the Legal Counsel had provided was a basic lease with basic terms but it didn't include any in kind services or anything that they would be you know, in essence we also proposed payment too because although, we're providing this lease in terms of our payment so we included in consultation with the Legal Counsel's forms of prospective forms of payment from the licensee what they shall have to do.

Chairwoman P. Fejeran: I think also the previous proposed license ****inaudible**** have the Governor signing it? Is that...? Does the Governor sign it or does the Land Trust? Number one, Licensee shall be a term of five years on the date of Governors approval?

Administrative Director J. Hattig, III: I'll defer to the Legal...

Legal Counsel N. Toft: Yeah, it'll require everybody's signature on this so AG, Governor... all that.

Chairwoman P. Fejeran: I think it's a little confusing because this is a land...CHamoru Land Trust, is that how all of our licenses...

Legal Counsel N. Toft: Have been? Yeah.

Chairwoman P. Fejeran: So, looking through this, this is for fifty-two thousand nine hundred twenty-five plus or minus square meters, Lot 10122-15 Municipality of Dededo. The proposed license shall be a term of five years beginning on the approval and ending five years thereafter. Okay, at the beginning of your five, we may negotiate renewal for the license for another five years. Are there... I've seen a... they may exercise the option to renew like three times... four times...there's no limit here given?

Legal Counsel N. Toft: Not really, no. It's kind of up to Board as far as what the Board wants to do at the end of each five-year term. I just added as one option because just to give us the flexibility in the future in case the board wants to go in a different direction.

Chairwoman P. Fejeran: At the time of renewal, are we allowed amend any of the terms or our renewal would be the same terms?

Legal Counsel Toft: We could re-do another license essentially at that time.

Chairwoman P. Fejeran: Oh, because it's expiring so we could say, oh we're not renewing but we'll give you a new license?

Legal Counsel N. Toft: Correct.

Chairwoman P. Fejeran: Got it. Has Global Recycling been provided a copy?

Legal Counsel N. Toft: I believe they have. So under part twenty-one, basically give us... we can terminate with or without cause giving them one hundred eighty days' notice so there's kind of a fair ****inaudible**** if we do for any reason not to renew the license in its entirety or re-do terms that we can terminate with six months' notice and then re-do everything.

Chairwoman P. Fejeran: Okay, I like that one.

Administrative Director J. Hattig, III: In answer to your question ma'am, they haven't been a copy of the license because we want the Commission to approve the terms not the licensee.

Chairwoman P. Fejeran: Yeah, I appreciate that. I just wonder what the... do we have an estimate of what number two, the ten percent of the fair market value is?

Administrative Director J. Hattig, III: I'll ask Mr. Joey Cruz to come up and fill in the blanks with some of the information.

Chairwoman P. Fejeran: Please state your name for the record.

Program Coordinator III Joey Cruz, Jr.: Joey Cruz. Madam Chair at this time we don't have the appraised value of the property but we can get that information from Rev. and Tax ****inaudible**** assessment.

Chairwoman P. Fejeran: I'm sorry what do you have?

Program Coordinator III J. Cruz, Jr.: We don't have an appraised value of the property.

Chairwoman P. Fejeran: How about the Rev and Tax assess...

Program Coordinator III J. Cruz, Jr.: We can try to get that information from them.

Administrative Director J. Hattig, III: And also, suggestion to put in an appraisal in the license agreement so they would have to provide an appraisal of the property so it's a part of the determination if that's what the Commission wants to do.

Program Coordinator III J. Cruz, Jr.: We included that in the terms, two appraisals.

Administrative Director J. Hattig, III: Right.

Program Coordinator III J. Cruz, Jr.: Which the expense will be borne by the licensee.

Chairwoman P. Fejeran: Okay, so the proposed I guess grant ****inaudible**** in this proposed licensee, fair market value? And not based on their revenue like we've seen on other licenses?

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

Chairwoman P. Fejeran: Okay and term number three licensee shall assist with the cleanup with CHamoru Land Trust Properties.

Administrative Director J. Hattig, III: Because Global provides a unique service as part of their processes is concerned, I think we should consider writing it into their license. Maybe a certain amount of tonnage or a certain amount per quarter maybe that they would accept as part of their payment rather than you know... since we need a lot of these junk cars and stuff to be removed from CLTC properties. That was the thinking behind this particular...

Commissioner J. Cruz: Yeah but doesn't this company get paid with the Abandon Vehicle?

Program Coordinator III J. Cruz, Jr.: I believe they receive money from the Abandon Vehicle Fund.

Commissioner A. Bordallo: That's right.

Commissioner J. Cruz: So, if they're getting paid from the Abandon Vehicle... I don't... for me, this is my take on this license. I don't understand why we have to throw it into Commercial Leasing. We have a process of Commercial Lease and if we're citing 75107 C1, this activity doesn't qualify for that.

Legal Counsel N. Toft: Why not? Why wouldn't it?

Commissioner J. Cruz: If you read section 75107 C, if you read it, it states for...

Chairwoman P. Fejerman: Churches, hospitals, public schools, post offices and other improvements for public purposes.

Commissioner J. Cruz: Okay.

Legal Counsel N. Toft: So, we ****inaudible**** under improvement for public purpose part of that grouping. The problem is if you take it through a commercial license; one. You have to put it out for bid. Two, it would have to be at the appraised value cost not a fraction... there's a whole post of things you have to do to go through the commercial license under 75122 that would make it essentially impossible for an operation like this to be profitable or doable.

Commissioner J. Cruz: Is this the first license ever issued on a private company instead of a nonprofit organization?

Legal Counsel N. Toft: The golf course is a private company not a public corporation. The Guam Raceway's license is a private company not a public corporation.

Unknown: We're not private, we're not profit.

Legal Counsel N. Toft: You mean, nonprofit instead of public or...I mean it's really up to the Board but if you make them go through...

Commissioner J. Cruz: Yeah, my concern is the activity is not compatible with the area that I see from up there.

Legal Counsel N. Toft: Okay, that's up to...

Commissioner J. Cruz: That's my... and if we can, routed through a commercial listing...

Legal Counsel N. Toft: If you routed through commercial listing, it's likely that you will not get a recycling business there.

Commissioner J. Cruz: Exactly, if with now, this is an illegal activity on an A zone and we're condoning a license for that activity? Under the zoning law?

Chairwoman P. Fejerman: Oh, it doesn't match up with the zoning?

Commissioner J. Cruz: No, it doesn't. This didn't get any approval for... this activity requires an industrial zone. There's a category of one and two, this a two category on industrial part.

Administrative Director J. Hattig, III: I don't recall any rezoning on that area.

Commissioner J. Cruz: Nope, it's never rezoned. For me, we got CHamoru Land Trust property that we terminate a tenant for junk ****inaudible**** now, we're going... ****inaudible****.

Chairwoman P. Fejerman: Well, I think we also have to remember the history of this site. This site was created based on an island's need after a natural disaster. The typhoons and that was used for the typhoon debris and ever since their occupancy there for that natural disaster and all the work they did. There's documented evidence of the Land Trust Director telling them that the Commission authorizes their use of the property and we intend to license it to them as soon as the Commercial Rules and Regs get passed. So, the Rules and Regs get passed and this is in 2016, fifteen, and we never went through this process with them either. I mean it sounds like... the minimum annual rent, Legal Counsel that you

mentioned if we go through the commercial leasing, the minimal annual rent is basically the same that you're proposing, ten percent of the fair market value? Nic?

Legal Counsel N. Toft: Well it will be through competitive bid so I mean... potentially if Global comes in offers the minimum ten percent of the appraised value and they're the only bidder than that's good but if you have any other company coming in and offering anything close to market value there's... unlikely that ****inaudible****. I mean we're hitting this gray area with this improvement with public purpose thing, right because when you have... it's a question of how do you quantify that as far as benefit to the Land Trust, because it's not just a dollar for rent value. It's also the value that they provide as community, in-kind services; whether it be something like providing an area of ****inaudible**** recycle things, trash, CLTC lands, whether it's similar with the raceway providing services of getting drag racing off the streets and things like that. It's kind of difficult to quantify things as far as dollar values. So, it's really the Board's decision on which way they want to go on this. I was just putting the lease together based on the previous presumption that the Board had kind of indicated to me that this was going to be improvement for public purpose because this was important to them. So, if it's not that then I think the Board needs to decide one way or the other which way they want to go with this because the lease would look entirely different from the licensing look entirely different. One way versus the other way, that way we would have to put it out to bid and we do not have any guaranties of anybody ****inaudible****.

Administrative Director J. Hattig, III: And just for the Commission's edification we do have the letters of support from the mayors that if this area, this company, or this service was not provided then it will be very detrimental to the problem that we have with the illegal dumping of you know the metallic waste, especially. So, we have numerous letters of support for this particular public improvement is what I'm saying.

Legal Counsel N. Toft: And I wasn't aware of the zoning issue but if that is the case then you can demand they seek the condition of the use permit for the lot as a part of the license.

Commissioner J. Cruz: What guaranty is that going to be?

Legal Counsel N. Toft: None.

Commissioner J. Cruz: See, then we're starting from square one.

Legal Counsel N. Toft: Just make a condition upon that and if they fail to get it then back to the commercial ****inaudible****.

Commissioner J. Cruz: Can you put up the...

Administrative Director J. Hattig, III: Yeah, John can you pull up the aerial again.

Commissioner J. Cruz: The old Transfer Station, the old Public Works, behind it. The blue one is the site ****inaudible****.

Chairwoman P. Fejeran: And then further down that way is the furniture store or something?

Multiple responses: GPA.

Chairwoman P. Fejeran: Well the last time we visited this topic, I felt like the improvement for public purpose was satisfied from my understanding of the law to award them a license based on that because I believe they are the only heavy metal recycler here on the island. However, I also do want to make sure that if they are awarded a license that the land trust is fairly compensated, not only monetary but also the service that they provide is also extended to the Trust.

Administrative Director J. Hattig, III: We did meet, Madam Chair and members of the Board; we did meet with Global and they were very receptive to the idea, so it was just a matter of putting it to paper and deciding for the Commission what those would be but they

were really receptive to the idea and they would like to hear because the specifics of it like how much of course they wanted to know; so they provided their financials so we can also use that as an opportunity to engage what kind of quantity that we wanted to put in if any that would help.

Commissioner J. Cruz: Now with their activity, do they have a stat? A data as to how many junks are, they collecting during or after the typhoon?

Program Coordinator III J. Cruz, Jr.: We did request that.

Commissioner J. Cruz: Or on a regular collection?

Administrative Director J. Hattig, III: We can request of that information of them. If that you know...satisfy...

Commissioner J. Cruz: Because I'm pretty sure this is not just island wide process it even goes through a private processing that they have because I've seen a lot of heavy equipment from DMRO that's up their that's processed for recycling.

Multiple conversations

Chairwoman P. Fejeran: So, I see there's a 2017 Recycling Compost Disposal Data request that was...this was like from a prior meeting but it does have some quantities in here. Recycling for calendar year 2017, the numbers are in short tons so they recycled one hundred seventy-one short tons of mixed metals, one hundred seventy-three aluminum, eleven thousand three hundred forty-eight steel, one hundred thirty-five copper and then sixty-seven plastic other.

Commissioner J. Cruz: So, this is just island-wide, it's not just public service?

Chairwoman P. Fejeran: This is their entire operation; I assume and you know as evidence by the letters that we received. This looks like almost every mayor is attesting that Global Recycling plays a very integral role in keeping our villages clean.

Commissioner J. Cruz: That's because they get the funding from the Abandon Vehicle ****inaudible**** cycling by village.

Chairwoman P. Fejeran: So, who gets paid? Who pays?

Commissioner Cruz: The mayor, the mayor gets the appropriations from the recycling fund and then pay the recycling company to remove the abandon vehicle from their village.

Administrative Director J. Hattig, III: And that's why we put that in, number three and four; where the metallic waste would be accepted at no charge so they get paid for that operation but for our license agreement, we would decide on an amount of waste...

Commissioner J. Cruz: So, can any public go there and get their vehicle...

Administrative Director J. Hattig, III: And it would be have to be through the mayor though, the way we structured it; is it would have to be through the mayor only because that's where the central, that's where the focus was, was these letters so we tried to focus it through the Mayor and the Mayors Council and the Mayors Offices and we can structure it an way that Global has to keep in touch with the mayors because at the end of the quarter; they have to send out a notice, no more junk for this quarter, right, for instance for example and then the mayors will not be able to bring in anything. There will be no other, we cannot accept DRMO. We cannot accept under this license there will be no free acceptance of that material. They would still have to pay Global for that ****inaudible**** but our concern was that Land Trust properties that's where our concern was that they accept what they find on Land Trust properties. So, we would work with the mayors to identify areas like Swamp Road for instance, right and then get them to accept for no cost what we took out of there or what we plan...

Commissioner J. Cruz: So, who would determine that junk from our tenants?

Administrative Director J. Hattig, III: And that's one thing that we're here to decide for the Commission could help to determine that and Global could also give an idea to their financials of what they would be willing to accept.

Commissioner J. Cruz: Why doesn't the mayor work with that kind of arrangement since they get the funding from the Abandon Vehicle and even in our land, our tenants should be part of that public service, not just us.

Chairwoman P. Fejeran: So, I'm trying to just figure out, I'm not familiar with the Abandon Vehicle Fund. So, there's an Abandon Vehicle Fund that the mayors I guess apply for... qualify for... say like okay I'm going to remove ten junk cars the mayors get the value of ten junk cars from the fund and then they use that to give to Global? Is that how...?

Commissioner J. Cruz: No, I think they're given by appropriation of maybe their annual or their quarterly and then that's when...

Administrative Director J. Hattig, III: An allotment.

Commissioner J. Cruz: Yeah and allotment because Mangilao and Yigo is different and Dededo because they got more.

Chairwoman P. Fejeran: So we're really not getting anything more than if we didn't have this license is what you're saying because the junk is going to... we're going through the Mayor's Office anyway and they already have the ability to clean up our Land Trust properties to clean up this fund so putting it in this license does nothing really for us? Is that what you're saying? I'm trying to understand.

Commissioner J. Cruz: Yeah and also the one section Chapter 75 the one that I was asking Chapter seventy-five Section one twenty-two to one twenty-four, the appropriation for that public law is authorizing a portion of that Abandon Vehicle to pay the over under pay of this company because we haven't paid most of the twenty-four thousand tonnage that was taken out by this company so we still owe them.

Chairwoman P. Fejeran: Oh, that's KoKu, that's different... that's separate right? Completely separate?

Administrative Director J. Hattig, III: That's separate.

Commissioner J. Cruz: So, that's the same concept nai where public money is being used.

Administrative Director J. Hattig, III: Well you can strengthen the license agreement to indicate that only those that are identified on CHamoru Land Trust properties will utilized in the free, the mayors still have to pay for anything else that's not in our jurisdiction so we can get the most benefit, right because then that would justify that we are getting a free... that's free because only...

Commissioner J. Cruz: But do we have staffing to arrange those kinds of pick up? Who will identify that alignment? What tenant will come and tell us, I got twenty vehicles can you move it from my ****inaudible****.

Administrative Director J. Hattig, III: Well a part of our land inventory process is to identify that very thing. When we go out and we do our inspections and we find that they're farming cars instead of plants then that serves as... right there, that's the first information that we receive that it's on our property.

Commissioner A. Bordallo: So, who tows the... who is the towing company that takes it out and who pays for that?

Administrative Director J. Hattig, III: That's something that has to be identified by like I said either the mayor or the lessee because that's what we...

Commissioner J. Cruz: Did we have any report from Mr. Cruz that it was terminated due to staging junk cars in their lease... whatever happen to that?

Chairwoman P. Fejeran: No, we were never able to terminate. We didn't have a hearing officer and he ended up complying.

Administrative Director J. Hattig, III: We didn't have the funding to do it. Yeah.

Chairwoman P. Fejeran: Right? He ended up complying? We reduced his acreage but then he was in compliance. But there's so many more out there that need cleaning up.

Legal Counsel N. Toft: You could possibly do something... if you have like a form or a certificate that our office would issue to our lessees for their... like we have a rep go out and verify that it's their abandon vehicles on their properties.

Administrative Director J. Hattig, III: I sent a letter... when Dengue broke out.

Legal Counsel N. Toft: And then provide that certificate to Global upon delivery.

Chairwoman P. Fejeran: And with that certificate they're satisfying the terms of the license but also not taking money from the Abandon Vehicle Fund.

Legal Counsel N. Toft: The mayors. It doesn't overlap it...

Chairwoman P. Fejeran: Right. Yeah. Okay. I like that idea. I think it's a very good point you bring up because they're going to be doing the work anyway and they're getting paid actually so why would we have it here.

Program Coordinator III J. Cruz, Jr.: If I may, through the use of technology I was able to get the Government Assess Value of Lot 10122-15, so the Government Assessed Value is one million six hundred seventy-six thousand six hundred seventy-five dollars; ten percent of that equates to one hundred sixty-seven thousand six hundred sixty-seven dollars and fifty cents annually.

Chairwoman P. Fejeran: Per year.

Program Coordinator III J. Cruz, Jr.: Monthly would be thirteen thousand nine hundred seventy-two dollars.

Administrative Director J. Hattig: And they're paying rent. Community service and paying a rent.

Chairwoman P. Fejeran: So, they'll be paying rent and then I think we would also want to quantify the amount of clean up?

Administrative Director J. Hattig, III: Right well that will be based on the property that we identify because if the Commission should identify the property that needs to be cleaned up and so that's going to be part of the parcel of that because we have many properties that are currently like commercial in nature but they don't you know... We can't move on it because there's like junk tires on it so we need that cleaned up, so another and I'll bring it up later is the lot in Yigo that we're about to do commercially, that's got a whole bunch of tires on it so who are we going to get to remove that?

Commissioner J. Cruz: Isn't that tire located on Guam Police parcel?

Program Coordinator III J. Cruz, Jr.: It's behind the GAIN.

Commissioner J. Cruz: Oh, it's a different site.

Chairwoman P. Fejeran: Okay. Well I like the license as it's drafted but with those recommended changes where we specify exactly how much rent will be paid to us and where we say, hey you clean this up not using any other local funds right.

Administrative Director J. Hattig, III: Global was willing to also in our discussions with them, they were willing to assist in the transfer of materials ****inaudible**** so that was a valuable... I think that was one valuable tool that we could use. For instance, they can take the metal but they can't take the tires but they can help transport the tires somewhere so that could be valuable because most times people just can't take their tires anywhere or they can't load large quantities of tires so Global said that they would be amendable to listening

to a term that would indicate that. So, we could utilize them as a method of extraction because you asked me who take it out, who would tow it right so ****inaudible**** see what we could do with them.

Chairwoman P. Fejeran: So, there's still the issue of the zoning.

Commissioner J. Cruz: Yup.

Legal Counsel N. Toft: That maybe something we would have to do because we're the underline owners of the lot. I don't think the lessee has the ability to seek the variance or the conditional use permit on it, I think that'll be something we would have to do.

Program Coordinator III J. Cruz, Jr.: I think that the business license was approved by Land Management, the zoning is a factor.

Commissioner J. Cruz: But even if it's not the zoning, we can do a conditional use and the conditional use in line with our license. ****inaudible**** and it's not guaranteed okay.

Legal Counsel N. Toft: No because it has to go through Land Use Commission.

Chairwoman P. Fejeran: So, is the Commission comfortable with the Director and Legal Counsel moving forward with this license?

Commissioner J. Cruz: And this license is for ten years, right?

Chairwoman P. Fejeran: I think its five years and then at the end of five years we can renew. But then according to Legal Counsel at the end of that five years we can renew again.

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

Commissioner J. Cruz: How can we relocate this? Can we give them ten years to consider relocation?

Administrative Director J. Hattig, III: Joey, when did they come in with KoKu?

Chairwoman P. Fejeran: Two-thousand to two thousand and one.

Administrative Director J. Hattig, III: On their bailing agreement?

Legal Counsel N. Toft: If we want them to... we can limit it to five years and just say at the end of the five years we're ****inaudible**** move on and use this for a different purpose.

Commissioner J. Cruz: That's not a best use for that area, their activity...

Legal Counsel N. Toft: Cap it at five years and don't have the... yeah if you want remove the option to extend and then...

Commissioner J. Cruz: We'll work with the two five years and see where we go from there.

Chairwoman P. Fejeran: Okay. And then firm up term number two to include an actual amount. I know assessed value is usually a lower value than fair market, right?

Program Coordinator III J. Cruz, Jr.: This is the government assessed value but the two private company's appraisals might be fairly different. But it's just a ball park figure.

Administrative Director J. Hattig, III: It's a start.

Chairwoman P. Fejeran: I'm sorry, I just saw that. Okay so we're telling Global that they have to pay for two appraisals; one appraiser of their choosing one of ours and then if we could also get some firmer terms for number three and number four. If they're willing to say okay, we're willing to eat... I don't know... two hundred thousand dollars' worth of cost; what does that mean for us... twenty cars I don't know... Also the specification that we're... that the cleanup will be free and not be paid for by the Abandon Vehicle Fund or any other local fund.

Program Coordinator III J. Cruz, Jr.: Madam Chair, we also included and escalation after the first five years.

Chairwoman P. Fejeran: Okay, thank you.

Program Coordinator III J. Cruz, Jr.: We used the five percent because the post office escalation only said five percent which is also a benefit for the community, that's how we determined the five percent escalation.

Chairwoman P. Fejeran: Okay, I'm good with that. So, I'll leave it to the Director and Legal Counsel to work with Global Recycling and then present a revised proposed lease.

Commissioner J. Cruz: You have it addressed right, the conditional use as part...

Administrative Director J. Hattig, III: Oh, I'm going to add it, I wrote it down...conditional use permit so when I do the revised it'll have the language.

Legal Counsel N. Toft: That would be something we should probably move on sooner than later even before we get the license just regardless ****inaudible**** regardless of who moves in there just so we have the ability to open that up.

Administrative Director J. Hattig, III: Okay.

Chairwoman P. Fejeran: I think we can also just in your discussions to give you guys a little... I don't know... ammo or something just to remind them how long they've been on that property and how little they've paid to us so we're really not asking a lot.

Commissioner J. Cruz: Maybe you can include landscaping. Instead of those dead tires on the road.

Chairwoman P. Fejeran: Yeah, what else can they do?

Commissioner J. Cruz: They've been there for the last decade... ****inaudible****.

2b. Hal's Angels/Guam Rugby Club

Chairwoman P. Fejeran: Alright. Shall we move on to the next agenda item? The Director has informed us that the Guam Rugby Club has requested the discussion of their agenda item their issue with Hal's Angels to be tabled. We also don't have any representatives from either side so is this the Commission okay with tabling until the next meeting?

Commissioner J. Cruz: Yes.

Chairwoman P. Fejeran: Okay so moving on.

Administrative Director J. Hattig, III: Oh Madam Chair before moving on I'm sorry I just wanted to make good on the chronology to give you so that we can in preparation for the February 20 meeting so this is the chronology of events requested by you so if you could just take one and pass it down... for the Commission to review.

Chairwoman P. Fejeran: We were afforded via email a big I don't know maybe ten plus documents from Guam Rugby, I only printed one of them which is also a timeline. Do you have a print out of all those documents for the Commission?

Administrative Director J. Hattig, III: I don't have a complete print out because they informed us, they wanted to table it so that's why the interest so I can provide that for the 20th.

Chairwoman P. Fejeran: Yeah if you could because I'd like the Commission to have a chance to be able to see from their side and then also include the next... wow this is great. Thank you.

Administrative Director J. Hattig, III: Yeah that's based on your request for every Commission decision and then of course any discussion that I had with them from either via meeting or via email and I have the emails right here so you know if you'd like to review them it could be provided to you.

Chairwoman P. Fejeran: Okay. Alright, thank you. So, we'll table this to ****inaudible**** next time. I'm surprise they want to table it because they're the ones that are cancelling their

rugby tournament and making look like we're... we're the bad guys. Can I just ask for a ten-minute recess before we get to Mr. Simpson's thing? Thank you.

RECESS

2c. Guam Racing Federation

Chairwoman P. Fejeran: I'd like to call this Land Trust Meeting back to order. The next item on the agenda is the Guam Racing Federation, Right of Entry and a request for a lease. I believe I just signed the Right of Entry today so we're good there and just to refresh the Commissions' memory, I believe it was in December when the Commission voted to approve a new six month Right of Entry and also to approve the coral extraction, mineral extraction to be done on a very small portion of their lot, is that right? And then we asked... Guam Raceway Federation was also asking the Commissions' blessing on a lease which they have provided to us prior I believe it's this one... is the revision 1119-2019 or is there a newer lease that they're asking...

Multiple responses: No that's the one.

Chairwoman P. Fejeran: So, there's a lease that's been provided to the Commission for review and Guam Raceway is asking for Commissions blessing on the lease so that they can then take it to the Legislature because a lease like this has to be done by the legislature it cannot be done by us. So, we ask Mr. Simpson who is the representative from Guam Raceway to come back to us and present to us I guess the lease again and their plans and all of the above. So, do you have a presentation for us Mr. Simpson?

Mr. Henry Simpson: Not really, I had done most of that the last time I had... I thought I did the projection they financial projection and the maps of the property and that's pretty much our plans so the next step is to get this lease to the point where it can go to the legislature and I think we've got the controls in here that is going to make this very viable for both the racing federation and CHamoru Land Trust and that the surveys are there, the audits are there all of the ****inaudible**** controls that maybe haven't been in place in the past are there in this lease and should make it very straight forward to go forward with.

Chairwoman P. Fejeran: So, I guess if you have nothing else.... I remember asking last time about your masterplan and you stated that master plan had been previously approved by a Commission, by the Board.

Mr. H. Simpson: Yes in 2002 we had provided a masterplan and prepared by Duenas Camacho Associates and that was in place up until basically we had the military take over the you know... put a cloud over the rest of the property so we're...we don't have a continuation of that plan yet but have an interim portion that we want to complete which is our permanent drag strip and our planning for the future so that we can bring in things like the gas station and the other areas to go along with growth of track and that we also we are in a position once we get this lease we want to finish up our masterplan for the balance of the time because we did a masterplan but it was interrupted so now we're just restarting again.

Chairwoman P. Fejeran: Okay.

Commissioner J. Cruz: What's the interruption?

Mr. H. Simpson: The... our area was chosen as the main place for the firing range and so the record of decision was filed in 2007 and wasn't lifted until 2014 and so we didn't do any construction for almost the last ten years because of that.

Commissioner J. Cruz: And your masterplan was prepared prior to those?

Mr. H. Simpson: Prior to that.

Commissioner J. Cruz: So, there's no revision?

Mr. H. Simpson: We haven't revised it at this point in time because the source of funding was tax credits at that time that may or may not be available to us... we knew sources of funding that we want look; with this new lease we would be able to sublease as I said for a gas station, track related warehouse and things like that so that we have funds to finish the building and the track....

Commissioner J. Cruz: Do we have a copy of the original masterplan?

Administrative Director J. Hattig, III: We could look in the file. We'll go through the file and provide it to the Commission.

Commissioner J. Cruz: Okay because I would like to see the original and what are you now working on that is not on the original masterplan... what are the changes.

Mr. H. Simpson: Actually, the part that we are working on now is on the original masterplan.

Commissioner J. Cruz: Okay then if it's there we just want to...

Mr. H. Simpson: Yeah. We have not buried that original masterplan except for timing so we're still... we've just been delayed and we're moving forward on that same masterplan.

Chairwoman P. Fejeran: Okay so I'm in agreement with Commissioner Cruz, I would like to see what is the masterplan. The lease as it's currently written it really is just an open book that allows you to do you know... whatever you see fit and before I could agree to anything like that, I want to see what you've got planned. I also would like to see what are the current existing uses today. What are those uses we're giving you a right of entry for; I know that there's the drag strip that takes those street racers off of our local roadways..., I've also come to learn that so basically, I want to know what are your existing uses there now?

Mr. H. Simpson: The motocross track, the off-road, the area for drifting, the sports car club has a sports car track in the parking lot, the Guam Motor Sports has daily rentals of side by sides and four wheelers on a track around the site seeing for tourist. The different groups of bicycle off-road bicycle guys will use it once or twice a year the running group, the trench challenge uses it once a year sometimes they have the kids challenge there so there's many different groups that use the track. So always our intention was to have the Guam Grand Prix that's our final destination is to get a Guam Grand Prix, Guam Formula Three Grand Prix and then that income from that is the real payback for the Government's investment in this track and then along with that is the public uses for the track that places for people to drag race, to motocross race, to off-road race, to mud bog, to drift to do all the things that a... we're a very motor sports minded community, I don't know if you guys notice but there's a lot of good mechanics a lot of hot cars, a lot of interest in this and there's a lot of very interested people in the future of our track too. I'm trying to get it to the point where I could turn it over to the younger guys where I know that they have a chance to succeed with it and I think this lease will do that. That gives us a chance to make enough money to make sure that we always pay the rent on time, keep our insurance up, keep the maintenance of track up, keep it open for people... you know... if we can't pay for the lights we can't have it open, you know, it's that kind of thing; so this allows us to put a good steady basis for maintaining that track keeping it open for the public and then still proceeding forward to our final goal to having our Guam Grand Prix.

Chairwoman P. Fejeran: I guess a question for the Director or Mr. Joey Cruz.

Administrative Director J. Hattig, III: He went to get the file ma'am.

Mr. H. Simpson: Last meeting I gave you the plan that has everything in the masterplan, all those drawings came from the masterplan, and they were done by Duenas and Associates.

Chairwoman P. Fejeran: Okay, I don't think we've ever seen a complete masterplan we've only seen maps.

Commissioner J. Cruz: Piece.

Chairwoman P. Fejeran: Yeah, pieces.

Mr. H. Simpson: Yeah.

Chairwoman P. Fejeran: So back in 2002 Guam Formula Three Grand Prix was the final destination there too?

Mr. H. Simpson: Yes. Yeah.

Chairwoman P. Fejeran: So, all of your existing uses, you have motocross; I was taking notes, motocross, off-road, drifting, sports car, Guam motorsports rentals, off-road biking and then running, trench kids challenge and then are you also still hosting like third party events like entertainment?

Mr. H. Simpson: We are, yes. We had one in October, it was a Halloween one and so yeah, we try to make that available to those kinds of events to raise money for the track.

Chairwoman P. Fejeran: Okay, since... I just signed the right of entry for this new six months so I'm assuming all of these existing uses will continue and you're still able to pay the month to month rent which is currently set at four thousand (\$4,000.).

Mr. H. Simpson: Yes.

Chairwoman P. Fejeran: And then at the last meeting when we did approve the coral extraction, we were looking at approximately hundred thousand dollars (\$100,000.) in royalty fees paid to us.

Mr. H. Simpson: Yes. Yeah, over the next few months.

Administrative Director J. Hattig, III: They did submit a payment Madam Chair so I am here to verify that they did submit a payment and I believe it was for October, November and December from what I understand but I have to check exactly what months.

Mr. H. Simpson: No, no that royalty was just the last of the month of December because it was a short period, we were stopped so we had given you one check from before then we did a short period after we were allowed to start again and then the tenth of February you'll get another check for the month of January and we're working... there was a request for ****inaudible**** phasing of how that was going to go, they're working on that for us now they'll be able to give that to us. But I still like to request that this basic lease be put forward to the legislature because even at the legislature this is going to take six months or so to get through and or more, I don't know. So, it's a long process and I would like to... if we could, move it past this point and take it on to the Legislature.

Commissioner A. Bordallo: I just want to say, in my younger I use to go down to the drag strip.

Mr. H. Simpson: Yeah in the Harmon field, right?

Commissioner A. Bordallo: 15 – 16 years old.

Mr. H. Simpson: Which cars do you remember? Do you remember the invaders?

Commissioner A. Bordallo: Yes, and my brother in law use to race his car and there was Leo, the mechanic.

Commissioner J. Cruz: So, there's something missing here.

Mr. H. Simpson: Yes?

Commissioner J. Cruz: Wheelchair competition.

All: Laughing

Commissioner A. Santos: Why not?

Mr. H. Simpson: I used to work at the cycle center in Tamuning that's where the Mobile station is at the end of the road from the airport and we would go down to Harmon every Sunday, dry season and race motorcycles so the guys we're always watching the guys we were on the cars you know they had the big cars at that time and we were racing motorcycles and it was fun and there were lots of people.

Commissioner A. Bordallo: Yeah, that was our Sunday entertainment.

Administrative Director J. Hattig, III: Madam Chair, I just want to submit to the Commission that the yearly audit that we had negotiated them to be added will still be added so they have to provide a yearly audit, an annual audit of their financing.

Chairwoman P. Fejeran: By a licensed CPA.

Administrative Director J. Hattig, III: Yeah so we'll add that language in there. That's the only part because of this version didn't have that language because it was negotiated after this version was printed.

Chairwoman P. Fejeran: Oh, I think it's here under 3a.

Administrative Director J. Hattig, III: Is it?

Legal Counsel N. Toft: Yeah, the bottom part of three.

Administrative Director J. Hattig, III: Okay, thanks. Oh, so we're good then.

Legal Counsel N. Toft: And just to reiterate and ****inaudible**** to Mr. Simpson that this is not the final version of the lease as far as what will happen because it's just a resolution that we pass that sends this to the Legislature and they get their hands on it and who knows what happens to it at that point.

Commissioner A. Bordallo: ****Inaudible****...

Chairwoman P. Fejeran: I mean if we want to talk about the lease presented before us; my main concerns are section eight and 11, so section eight deals with subleases and in that section it's kind described but it says, the lessee which is the raceway may with a written consent of the Commission enter into sublease agreements for portions of the leased property to provide racetrack ****inaudible**** purposes to include but not limited to gas station, warehouses, restaurant, food vendors, driving schools, and then what we share of the sublease rental of the real property portion ****inaudible****...

Mr. H. Simpson: Plus, whatever... plus 10% of our gross. So on top of that, let's say, we get a gas station rental there and we rent the gas station for six thousand dollars (\$6,000.) or eight thousand dollars (\$8,000.) or whatever the gas station is going to be so half of that will go to CHamoru Land Trust and half will go to us but our half will add in to our totals so once we got over forty thousand dollars (\$40,000.) income our rent will go from four thousand dollars (\$4,000.) to 10% of whatever is over that so 10% of the total. So, we tried to make it where it's a win-win for both of us, we grow together, the more we make the more you make and nobody's going broke.

Chairwoman P. Fejeran: I think my issue with this section and then also section 11 which is use of the property where it just talks about modification of the property, selling of the... I guess this is probably the part where it talks about the royalty fees for the coral extraction, my hesitation with giving blessing because of those two areas; again, it's open book, it's open ended there's no guaranty that the Commission; one, even understands what is proposed on the property and then two, what an alternative could be for instance if you made it clear that a gas station is needed on back road to Andersen you know this is Land Trust property and I just feel like there's no alternative to balance what you're proposing versus

what the Land Trust could otherwise get. And that's always my concern that the CHamoru Land Trust has always taken a back seat to what's really... to the value of our property.

Mr. H. Simpson: I understand. And gas stations are a perfect example. Because we ****inaudible**** want a gas station just to be on back road to Andersen because right where we are there's two gas stations right about a quarter of a mile away, there's another Mobile and another Shell right there on Marine Drive not too far from us. But our gas station would be able to handle racing fuel for the cars you know specialty type things that would draw more business than wouldn't be anywhere else. So, what we're trying to do with our commercial area there is tie it to only track related things where if the tract wasn't there you wouldn't get that customer. And so, because that track is there, we get that customer and then we share on a rental basis with the CHamoru Land Trust. I think it's a fair... I think it'll work out really fair in the future.

Commissioner J. Cruz: So, the gas station is also for public use?

Mr. H. Simpson: Yes. So, it'll be...

Commissioner J. Cruz: So, you won't be selling any low octane only high octane?

Mr. H. Simpson: Well the idea is to be a full-service station where they could have racing fuel there in the back so you can come around the back of the station and access from track for racing fuels and things like that... maybe a tire center... everything else you need for that kind of repairs. And then the front side would be your daily business of regular fuel, diesel fuel... there's so many trucks going by there so that kind of thing. They have a nice full-service station that does both the race track and the community there.

Commissioner J. Cruz: It's not going to be self-service right?

Mr. H. Simpson: No.

Commissioner J. Cruz: Are you going to control the sale of those high-octane fuel? Like do you have a card purchase that...?

Mr. H. Simpson: I don't think so. I think anybody can buy it.

Commissioner J. Cruz: The cops would like that.

All: Laughing

Chairwoman P. Fejeran: Is there any of that fuel currently on island?

Mr. H. Simpson: No. In order to get racing fuel, you have to bring it in in like 50-gallon drums. We used to be able to get aviation gas and then you can kind of make your own racing fuel out of aviation gas and premium gas and some additives.

Chairwoman P. Fejeran: My question is for the current agreement lease, month to month agreement, I know there's the concession fees, there's the rent that you're paying but you mentioned Guam Motorsports, they conduct rentals that they go around with tourist around the track for site seeing; what is happening to the revenue for that and is the Land Trust getting a portion of them?

Mr. H. Simpson: No, that's one we came to the Land Trust with that one, they okayed our sublease for that and so that income is basically all ours, it helps us pay our rent, right now, the track is pretty much subsidized by that one sublease and otherwise we only charge... we try to keep our use fees down so that it's not too expensive for guys. If they're out racing in you know Merizo or back road or some other place because it cost them too much to race at the racetrack then we're defeating the purpose, same thing, if you take some kids up to go ride in their motorcycles it'll cost you fifty dollars (\$50.00) each you know you're not going to do it so we try to keep those fees down. They barely pay the power and the water and so this sublease to Guam Motorsports and it was approved by the last Commission and has been kind of our savior at this point until we get moving forward on our new lease.

Chairwoman P. Fejeran: Okay, I didn't realize you have a sublease already. Joey could you speak to their current lease status?

Commissioner J. Cruz: Is that the only lease I mean sublease that...?

Mr. H. Simpson: That's the only sublease that's out there.

Program Coordinator III J. Cruz, Jr.: When we did our initial inspection several years back, we raised the concern of about the sub-lease with what are they called... Guam Outdoor Ventures or something like that.

Mr. H. Simpson: Yeah.

Program Coordinator III J. Cruz, Jr.: We went back to review the minutes but we were unable to find any documentation regarding it being held in a Board Meeting, we only did our researched so far and then we had other priorities that had arisen.

Mr. H. Simpson: I could get you copies. It's for Guam Auto Sports and it was brought before the Commission and approved.

Program Coordinator III J. Cruz, Jr.: That could narrow our search down because we went back far back to...

Administrative Director J. Hattig, III: Yeah to the beginning.

Chairwoman P. Fejeran: Okay so for some reason we don't have a record of it. Do we even have a record of the sub-lease?

Program Coordinator III J. Cruz, Jr.: No.

Chairwoman P. Fejeran: Okay, if you could provide that Mr. Simpson.

Mr. H. Simpson: I will.

Chairwoman P. Fejeran: I mean if we're getting the payments for the coral extraction then that means you're getting just about the same payments.

Mr. H. Simpson: Yeah.

Chairwoman P. Fejeran: And you know again, if this lease was based on your current existing uses and didn't have these open-ended sections that would allow you to... I guess... that I feel like are very open ended; if this lease was based on your existing uses then I would be in fully in support but because the Commission hasn't really had a chance to look at your masterplan in its entirety and really understand what's being purposed on the site and again it's weighing on our alternatives, right, as the Commission; this is our property. We want to keep your existing uses absolutely; however, for your proposed uses, what are the alternatives that the Commission may feel that does a better job for the Commission, for instance with infrastructure, utilities that are in place; we have a long waiting list so you know that's kind of what I'm saying, I don't feel comfortable approving your plans for the future when I don't have a clear idea of what that is and if we don't approve that what an alternative would be. And I think the Commission has to do their due diligence to understand what we're giving up by approving this current leasing agreement.

Mr. H. Simpson: I don't really think you'd be giving up anything, I think you would be gaining a very viable and very... really great resource for the island in the future.

Chairwoman P. Fejeran: Well like I said, as it stands, again the Commission acts for the exclusive benefit for our beneficiaries and our beneficiaries are those that are waiting for residential and agricultural leases. So what I'm saying is, if you don't think we're giving up anything for any of those people; convince us, you have to convince us, you got to show us exactly what you're trying to do, how you're going to do it and I understand you're working off of a 2002 masterplan that hasn't been completely updated but I think it's time if you're asking of us of all of this, I think it's time that you update it and you present it for approval so that we can give our blessing in full support, I can't support this as presented.

Mr. H. Simpson: The map you're holding there is a basic outline of the masterplan; it has all the tracks on it that we're going to build and so the most expensive one is the Formula Three, the Grand Prix Course that goes through the center and it has a half mile asphalt stock car track in the center, the off-road track and the quarter mile track have already been built and so the permanent drag strip is our next project that's what we're working on right now so we probably have another... if we have all the funding that we needed to build everything we could probably be done with the whole thing in five years, if the funding is spread out over in a ****inaudible**** amount of time that's what we're going to have to do to get the final plan built, but everything that we're going to build is on that plan there.

Chairwoman P. Fejeran: You know, I'm very familiar with masterplans and like this is just a piece of it, right? I'm sure that there's a narrative that goes with it but is it right to assume that the primary source of funding for all of your purposed work is coming from selling coral extraction from our property?

Mr. H. Simpson: No. No, the... originally, we were granted nine million dollars (\$9,000,000.) in tax credits to build this with and so the first, our masterplan took about six hundred thousand (\$600,000.) in tax credits to develop. We brought in an engineer from Australia to design the Formula Three Tract we had to do sound analysis all the things... there was a large worry from people as far away as Perez Acres that noise was going to pollute the area so we did a lot of engineering, it took us from 1998 to 2001 before we were even able to start basically building it and then we started to build the off-road portion of it because it was just mainly dirt but we started using our tax credits. We were the first ones actually that came up with the idea using tax credits so that a contractor could build something like the drag strip and then take his payment back in his gross receipts taxes over a three year period so that he would do the work ahead of time and he would get paid by foregoing paying Gov. Guam his gross receipt tax for over a three year period, it was spread out and so then the real thing that really made it work for the government was these contractors had to agree to do this for their cost plus five percent (5%) so it wasn't that they could come in and charge us as much as they wanted to build this track for us, they had to do it at cost plus five percent (5%) and it had to be signed by a CPA and verified to meet that criteria. So that's what we were doing for the first six years of what we built there and then that all stopped when the military said that they wanted this for the firing range and so you know for a couple of years, we didn't know what we were going to do, whether we were going to Dandan or Pulantat or Barrigada or wherever, we didn't know what was going to happen so everything when on hiatus and then it became apparent that they didn't have a plan for anywhere for us to go. Their plan, the military plan was to give Gov. Guam six million dollars (\$6,000,000.) a year for that property and with no plan for us to go anywhere. So, we started trying to figure out if we could stay, if there could be any way for us to stay on the property. So, we stayed on the property we're continuing with what we're planning and we want to go back to Gov. Guam with a further tax credit plan to finish the Gran Prix course once we get this lease in place. So, the sale of the materials was helpful, in the meantime, it helped us maintain the track but we really couldn't do anything. We couldn't really build anymore because we thought, we didn't know where we were going and we didn't know what was going to happen and so that led us to where we are now. As soon as that record of decision was filed in 2014, I think it was in August of 2014, we filed our first grading permit and it has taken us this long to get the grading permit to get going with what we're doing. So it took a while to get restarted and you know, when we first go this and you can ask Joe Borja, he was the one that signed our first license and it's a twenty year license

and he said, we would like to give you a lease for this so that you can have the long term use of it but there's no way to do it; Randy Cunliffe was the attorney for the CHamoru Land Trust at the time and he said, we'll try to put something in here so it says, when it becomes available for you to get a long term lease, you're allowed to get a long term lease but there was no mechanism to do that and so that's why we've taken it to this step where at the end of our twenty year license in 2018, they had legislation passed that allowed us to get this fifty year lease so from 2018 until now we've been trying to get it to the point where this lease is in such form where we can take it back to the legislature for their approval so they approve that we can negotiate for the lease and that they could waive the five year requirement and we can deal directly with them. But as we started dealing directly with the legislature they said please go back and get the blessing of the CHamoru Land Trust so that's what we're doing and what we've been doing for the past twenty years. So, we come to all the meetings that we're required too, we've put in all of our documentation, I think there's still a lot of things that you could ask for but everything is really covered in this lease and we sure appreciate the opportunity to move forward.

Commissioner J. Cruz: So, on your masterplan that you show here is Phase 2B, 2A, 2B and 3A, B and C and then you have 4A, 4B, 4C? What is existing out of this masterplan? The 2B which is the dragstrip?

Mr. H. Simpson: So, what is existing is Phase 2B, that's the temporary dragstrip.

Commissioner J. Cruz: And where is the permanent?

Mr. H. Simpson: The permanent dragstrip is down here. And the reason that is, is because this was easy to build, we can get this built within one year.

Commissioner J. Cruz: What about 3 and 2A?

Mr. H. Simpson: 2A is the parking lot that's done. The quarter mile stock car track is done, the motocross portion is done. This is not done, it's clear but this is the main thing, this is the Formula Three track and the second main is the long main....

Commissioner J. Cruz: So, your total acreage, what would you say is your total acreage?

Mr. H. Simpson: We're using the whole 250 acres.

Commissioner J. Cruz: And where is the lot line from here?

Mr. H. Simpson: The lot line is right here, this blue line.

Commissioner J. Cruz: The blue line?

Mr. H. Simpson: Yeah, the blue line then it goes up here across here...

Commissioner J. Cruz: Doesn't that blue line part of the Phasing of four?

Mr. H. Simpson: Yeah it is part of the phasing ****inaudible**** but the outside there is the lot line. There it is. This is the delay, this all the fine areas and stuff.

Commissioner J. Cruz: So, what is your elevation here?

Mr. H. Simpson: The elevation is about 480ft. and then this is down to 150 so it drops about 400ft across here.

Commissioner J. Cruz: And on this side?

Mr. H. Simpson: That's flat it follows ****inaudible**** so this is flat all the way across.

Commissioner J. Cruz: ****Inaudible**** pass this?

Mr. H. Simpson: Yeah, see this road here, ****inaudible****.

Commissioner J. Cruz: This lot here is flat?

Mr. H. Simpson: That lot there is flat but this cliff line is real steep going down.

Commissioner J. Cruz: On this side?

H. Simpson: Yeah.

Commissioner J. Cruz: And this is flat going towards the end of your course?

Mr. H. Simpson: Yes.

Commissioner J. Cruz: So, if we report any usage on this...

Mr. H. Simpson: That's not on ours.

Commissioner J. Cruz: Yeah, I know but I'm looking for accessibility to this area towards
....

Mr. H. Simpson: Yeah, you could come in, we're going to have a road that comes in this way so you can use that as accessibility.

Commissioner J. Cruz: This is what we need to see versus what you have, what you're working on now.

Mr. H. Simpson: Actually, I should have brought more, I put it in the last package.

Chairwoman P. Fejeran: Well I think I've made it clear, my position, I'm not ready to support a lease at this point. I'd like to see the full masterplan and just like how we discussed here; what's existing, what's planned for the future, what are your sources of funding, what are the subleases you are looking at issuing and then your time frame. And then I think that would allow the Commission the opportunity to determine ****inaudible**** position. I believe if this proposed lease was based solely on your existing leases and maintaining your existing uses; I would be fully in support but because you do have plans change the existing uses and change the property in a matter that would be very difficult to get it back to what it looks like today, I'd like to see... I'd like to understand exactly what that is. Commission in agreement? Or what are your comments?

Commissioner A. Bordallo: No, you know what, in business whether they're nonprofit or not; the thing is long term investment on the land, in order for you to get your finances you need solid land use cannot be just month to month or five ****inaudible**** the bank won't lend you the money ****inaudible**** that's all I have to say.

Chairwoman P. Fejeran: And I agree.

Commissioner J. Cruz: Usually for ten years.

Commissioner A. Bordallo: Yeah but usually long term.

Chairwoman P. Fejeran: But just to be clear...

Commissioner A. Bordallo: I think the lease says what your leases are going to be and he has to go before the Legislature, ****inaudible**** the Legislature can tell him exactly what has to be done and what he cannot do without going through them. Why don't you just take it to the Legislature?

Commissioner J. Cruz: That's where it was initiated.

Commissioner A. Bordallo: Yeah. I know your concerns but this is the decision for the Legislature.

Chairwoman P. Fejeran: But it's our property and I believe we're the main stewards then the Legislature won't move, I don't think the Legislature will move until we give them our blessing and I believe in order to give them our blessing we need more information.

Commissioner J. Cruz: Are we going to be doing in the event it's going to go, are we going to provide a resolution to this to the legislature or just...

Chairwoman P. Fejeran: I think it would be best if we do support it that we provide a resolution.

Commissioner J. Cruz: A resolution with conditions and proposals or what.

Chairwoman P. Fejeran: Yeah.

Commissioner A. Bordallo: And the whole point too, is this is for the general public, it is not just for the individuals. Yes, you can build, you have 250 acres of land that they are

holding and when you're going to divide that into how many houses, half an acre for each house, five hundred homes. Sir you have to come back with your ****inaudible****.

Mr. H. Simpson: Okay.

Chairwoman P. Fejeran: Also, it was discussed that we'd like to see a copy of your sublease agreement that you have with Guam Auto Sports, a signed and approved sublease agreement. You know, I know Mr. Simpson we've been sitting on this Commission for four years so your case is no stranger to me but I also have to point out that you've also have not been the most stellar tenant for the Commission either.

Mr. H. Simpson: Why is that? What's been the problem?

Chairwoman P. Fejeran: Well I mean, I know that lease payments are late, the Commission payments are late. We had to tell you to give us the entrance fees, you are also are audit write up for years until we finally said, no more, get us the information. There was also the misunderstanding from 2000, I don't know what year it was where we said moratorium on coral extraction and then you said, I thought you said it was okay and you went on did it so you got to understand our position here. I am very uncomfortable given an open book, I want to have everything super detailed in black and white so that I know what's happened in the past isn't going to happen again.

Mr. H. Simpson: In the past, in the past when we first started this, let's say when Joe was the Commissioner of the CHamoru Land Trust, it was kind of like the fair hair children we could do no wrong. You know, hurry up and go and get it done, right and then when the military came and stopped us, you know... what do we do with these guys and then the... so we worked with many Boards probably five or six different CHamoru Land Trust Boards and groups of people and have in the past always been as up to date as we can be on paper work and requirements and things. Now things like the ten percent (10%) commission that got thrown in probably about ten years ago by one of the senators; we needed clarification on the original law that sets this up and we have to pay two dollars (\$2.00) to Government of Guam for every paid person that comes into every event so we were having our Friday night drag races and charging a dollar (\$1.00) to come in and yet we're supposed two dollars (\$2.00) to the Government so we asked him to help us fix that, fix that legislatively, and he said okay we'll fix that but you got to pay ten percent (10%) then that means that we charge a dollar (\$1.00) we have to collect ten cents (.10) from this guy an administrative nightmare and so we worked long and hard to try to get this and in this lease, that is not in there. So there were things that were changed along the way along with many different boards and many different people, some good some bad; we've tried really hard to meet all the things that were asked of us and I will continue too, it's just that a lot of things have changed along the way and we'll be working along like crazy and then the rules change on us. You'll see when you look at the masterplan, I'm going to ask John Duenas if you don't mind to come and present the masterplan; he presented the masterplan to the CHamoru Land Trust twenty years ago and it was approved. So, he has as much history in this as I do and then it's just you know, things change, life changes, the military came went, people come and go, rules change, legislation changes, everything and we're kind of stuck with this twenty-year license that doesn't really protect us. We investing a lot of time, a lot of money a lot of effort into building that racetrack because we know it's good for the kids here, we know it's good for the island we need a place to build it and we're not doing for ourselves; I'm not doing it. It's completely as a non-profit so it's difficult to maintain the plans for the future when you can't tell what's going to happen to you; for a long time, we didn't know where we were going to be if we were going to be. Even now, it's like if you guys decide that that's a better

use as houses, we would stick again so we're trying really hard. I'm not trying to be a bad tenant, I think we've paid almost three million dollars (\$3,000,000.) over the this last period in combined rent and royalties from the coral extraction over three million dollars (\$3,000,000.) to CHamoru Land Trust in that twenty year period and had lots of events and brought people from all over the world to participate and so I apologize if I hadn't been the best tenant. I'll try to do better but I'd sure appreciate your support on this so that we could take the next step forward.

Commissioner J. Cruz: You know what Mr. Simpson, you're asking us to support your lease and in order for me to give you that support, I need to know what changes have you done out there based on your original concept and the changes will make the difference because if you're just giving us a ball park figure of this Phase One, Phase Two, Phase Three and we don't know what's happening to the property then I'm not going to support that type of development.

Chairwoman P. Fejeran: I think if I may, what you just said; twenty years ago, Mr. Camacho came and gave a presentation to the Commission and then you know, gave the presentation of what the plans are; it was approved and you got your license back then. All we're asking is for the same to be given to us today because this is a new lease, this is a new license. I'm willing to say, okay, we're going to clean this slate, we're going to move forward with a new lease but we're just asking what was afforded back then because off all those changes and uncertainties and confusion; let's take this opportunity now, to get the Commission fully on board to understanding what your project is so that we can move forward.

Mr. H. Simpson: When is the next meeting?

Administrative Director J. Hattig, III: February 20.

Mr. H. Simpson: February 20, okay. I'll be here, thank you.

Chairwoman P. Fejeran and Administrative Director J. Hattig, III: Okay, thank you.

Administrative Director J. Hattig, III: Madam Chair and Commission, in the interest of time, I suggest we move forward to the DPW request.

Commissioner J. Cruz: I think they're switching.

Chairwoman P. Fejeran: Let's move the leases.

Commissioner J. Cruz: GPA first.

Administrative Director J. Hattig, III: Okay, there's actually a request for us to entertain GPA first; if that's okay with the Commission?

Chairwoman P. Fejeran: Sure, so the next agenda item will be Old Business, 3c. GPA

OLD BUSINESS

3c. Guam Power Authority

Mr. Antonio Gumataotao: Hafa Adai Chairwoman Fejeran, members of the Commission, my name is Antonio Gumataotao with Guam Power Authority. I don't have a presentation but I can speak to the letter that we submitted to the Director on December 2019; GPA plans to upgrade its facilities on Balajadia Road in Yona and it ****inaudible**** a portion of Lot 203 that's owned by the CHamoru Land Trust. So, I provided some maps, there's a sketch that's attached to the letter and it traverses also... part of the lines follow the path of an existing road that connects the people that live on Balajadia Road to Route Four in Yona; so what we're asking is to utilize this existing road and where our lines are at and prepare an easement exhibit through a professional licensed to survey and we'll submit it to CLTC if

approved, if we get the commitment to move forward. So, based on the Survey Map there is an easement to the south of the property however, the existing road and the lines (interrupted).

Chairwoman P. Fejeran: They don't align.

Mr. A. Gumataotao: They don't align, that's correct. So, what we're asking is to shift it more north to follow that road. So, part of the benefits to (interrupted).

Chairwoman P. Fejeran: Sorry, before we move on, can somebody show us what we're talking about here; which one is our property, which one is the easement that you're requesting to take.

Mr. A. Gumataotao: So, to the north...

Chairwoman P. Fejeran: Okay, L203 which is just that red boundary, that's our property.

Administrative Director J. Hattig, III: Yes.

Mr. A. Gumataotao: Correct.

Chairwoman P. Fejeran: Okay, so what is this map ****inaudible****?

Mr. A. Gumataotao: I don't know what that map is.

Chairwoman P. Fejeran: Oh, I thought this was yours.

Legal Counsel N. Toft: ****Inaudible****

Mr. A. Gumataotao: I have an extra copy of what I submitted to the Land Trust.

Chairwoman P. Fejeran: I have two December fourth, oh, I see.

Administrative Director J. Hattig, III: That's the one.

Chairwoman P. Fejeran: So, this is the proposed one?

Mr. A. Gumataotao: That's correct.

Chairwoman P. Fejeran: Okay.

Mr. A. Gumataotao: So, this is passed the DPW bus satellite facility and connects the people again that live to the west of it, to Route Four. So, there's about 40 homes in there, this is the primary access to Route 4 from their private properties and it does traverse the Lot 203. So, from public records in DLM, we know that it was administratively transferred to the CLTC so that's why we're approaching you folks for the easement request. And again, subject to your approval; we will go out and prepare an exhibit through a professional license surveyor and then submit it.

Chairwoman P. Fejeran: So, what you're requesting is through Lot 203, right here? And down this way?

Mr. A. Gumataotao: That's correct and it follows southwest.

Chairwoman P. Fejeran: So, you're not asking... this looks like an easement, right? This is an existing easement right here?

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: You're not asking for an easement right through our property... it's just...

Mr. A. Gumataotao: So, I really don't know what that map is, ma'am.

Administrative Director J. Hattig, III: Oh, that's just a blow up.

Mr. A. Gumataotao: Oh, yeah, we're following the existing road, so really it bisects the property in half; so again, the benefits of this is we will have a surveyed easement exhibit and...

Commissioner J. Cruz: So, the alignment here, the existing road is not severed, it's not yet delineated on 203?

Mr. A. Gumataotao: That's correct. Looking at the (interrupted)...

Commissioner J. Cruz: It's just an existing paved road but if you look at the survey map that was prepared in 1994, 429FY93 the PAUE or Public Access Utilities Easement is to the south border of the property so it's not aligned to the PAUE that connects the private property owners on the left.

Legal Counsel N. Toft: Yeah, can we see the... we don't have this... there you go.

Mr. A. Gumataotao: So, if you look at the imagery it really cuts it's more north of that, the existing road and then our utility lines (inaudible) so we want to prevent you know, since it's in the past, we want to do it right and in our application for the upgrades we want to approach the commission for a correct easement.

Commissioner J. Cruz: So how wide is the proposed?

Mr. A. Gumataotao: So, all we need is 20ft. wide if you want to include a road, we can do that in our survey.

Commissioner J. Cruz: And that's going to be separate from our existing there?

Mr. A. Gumataotao: Yes, because it's a part and away from it, right? So, we could...

Commissioner J. Cruz: There will be a lot of waste land there.

Chairwoman P. Fejeran: On the bottom.

Commissioner J. Cruz: Yeah because you got 40ft. and then you're going to create another (interrupted)...

Mr. A. Gumataotao: So, I believe one of the reasons, because when we went out to do the site visit; if you're looking at the property it's more, the topography is more (interrupted)...

Administrative Director J. Hattig, III: That's the reason why the road was built.

Mr. A. Gumataotao: Correct.

Administrative Director J. Hattig, III: The lower part of the property was dropped. So really it is unusable.

Mr. A. Gumataotao: If you can bring in the topple you can see why it was like that.

Administrative Director J. Hattig, III: So really it is unusable.

Mr. A. Gumataotao: Right.

Commissioner J. Cruz: So, what's the width of the lot again? Can we go back to the map?

Administrative Director J. Hattig, III: The width of the lot is...

Legal Counsel N. Toft: About 100 **inaudible**...

Engineering Technician II Melvin Javier: About 300 feet.

Commissioner J. Cruz: Is that meters? That's 300 feet.

Engineer Technician II M. Javier: Yes.

Commissioner J. Cruz: 300 feet. So, if you put a... you got 40 there? So, if you put a 40ft. right at the center of the 300 **inaudible**.

Administrative Director J. Hattig, III: Give or take, yeah.

Commissioner J. Cruz: So, we can create a new access of the (inaudible) lot and request for deletion on this 40ft.

Mr. A. Gumataotao: So, there's an existing utility or an existing paved road through the middle of the property.

Commissioner J. Cruz: So that existing road has a water line?

DPW Deputy Director Jesse Garcia: Yes. DPW Deputy Director J. Garcia from Public Works. Yes.

Mr. A. Gumataotao: I can't speak for water.

Deputy Director J. Garcia: Anyway, so Joe that lot, even if in the future whatever, when you guys subdivide it, you're going to be required to provide access; so, it wouldn't make a difference it's a utility easement right of way.

Commissioner J. Cruz: Wow. So, in your proposal, what would be the distance on your power line to the edge of the boundary towards the cliff?

Mr. A. Gumataotao: I don't have that information right now.

Commissioner J. Cruz: Roughly.

Mr. A. Gumataotao: So, what we would want or what we're requesting for is 20-foot-wide so 10 feet on each side of the pole.

Commissioner J. Cruz: I understand what you're asking but I'm asking, since you're already went and asked for a 20-foot alignment.

Mr. A. Gumataotao: From the center of the pole, 10 feet on each side.

Commissioner J. Cruz: I understand that. But from the property line, that 300ft. wide where would your 20 foot be out of that 300ft?

Mr. A. Gumataotao: I don't know. We'd have to survey the poles and then adjust it and then we can propose; if you folks give us the authorization or some kind of assurance that it will be approved, we can go out and get a PLS and provide that to you folks and then if you need us to make adjustments we can. And if you want to incorporate the road, we can do that as well.

Legal Counsel N. Toft: It looks like its dead center.

Commissioner J. Cruz: If you're running your 20 foot here, we would like to find out the distance between the 20 foot to this corner so that we can determine that rough terrain here so whatever distance from the upper lot level and give us at least a 100 feet from there so that we can maximize this and this would be like a buffer, the terrain.

Deputy Director J. Garcia: Joe, so it wouldn't matter because even if we were to open up a road and realign it to the edge of the property line, if you're going to ask the government to open up road, that's going to be impossible to do because of the slope, it's too steep.

Commissioner J. Cruz: No, we're not going to open the 40 foot we're going to delete it since it's not passable.

Deputy Director J. Garcia: Yes, yes but I guess when...

Commissioner J. Cruz: But if we're going to give you a 20 foot and this is my take, if we're going to give you a 20 foot right at the center of our lot; we would like to capitalize the difference between the 20 foot and the usable land along the edge of the cliff.

Mr. A. Gumataotao: So, you can create lots?

Commissioner J. Cruz: Yes.

Mr. A. Gumataotao: Sure.

Commissioner J. Cruz: Because right now, if we're going to allow you to do that; we don't know the distance between the edge of the topography of the line to the 20 foot that you're asking.

Mr. A. Gumataotao: Right but if you refer to the... Sir, if you refer to the map so the road is to the south of the existing lines so even if we incorporate just the 20 foot and we move it north, you have the existing paved road.

Legal Counsel N. Toft: He said it's about 100 feet.

Engineer Technician II M. Javier: It's 100 feet just compared to this ARC map it's 100 feet to the edge of the boundary to the existing paved road.

Commissioner J. Cruz: Okay. So now that the existing phase is 100ft. from the boundary.

Engineer Technician II M. Javier: Yes, from the boundary.

Commissioner J. Cruz: There's a 40 foot there, right?

Engineer Technician II M. Javier: Right down here, yeah.

Commissioner J. Cruz: Okay, 40 feet so from that 100 foot to the boundary is still clear to develop, so what is the distance between the 100 foot of the existing road to the edge of the cliff?

Administrative Director J. Hattig, III: Unusable.

Commissioner J. Cruz: Yeah. See this is what we don't know. We don't know this. So, if we put the 20ft. here, what would be our distance to put a least 3 or 4 tenants in this area.

Engineer Technician II M. Javier: Well that's going to base on after they do the survey. They have to survey so that we can see what's ****inaudible****.

Mr. A. Gumataotao: So, Sir the survey would be limited to an easement exhibit, it's not parceling property, it's not...

Commissioner J. Cruz: No but at least give us an as built.

Mr. A. Gumataotao: Sure.

Administrative Director J. Hattig, III: I just want to put forth to the Commission too, that Lot 203 is an unregistered property to the Trust so...

Legal Counsel N. Toft: It'll be a while.

Administrative Director J. Hattig, III: Yeah, we would still have to...

Legal Counsel N. Toft: But we can move on that.

Administrative Director J. Hattig, III: Yeah just a consideration.

Mr. A. Gumataotao: So again, the benefits to the Commission is powers at the doorstep for future development and it would make our easement bona fide if it's approved by your folks.

Chairwoman P. Fejeran: So, there's not currently power there?

Mr. A. Gumataotao: There is power there.

Deputy Director J. Garcia: Power and road.

Mr. A. Gumataotao: There is power, water and road, paved road so again, it was done a ****inaudible**** of the past and now that we're going to make the improvement and put two additional poles to reroute the lines and make improvements for the private residents on the left; we want to approach it and do it right, we want to correct everything and do it right.

Chairwoman P. Fejeran: I see. So that's what your pink dots are?

Mr. A. Gumataotao: That's correct.

Chairwoman P. Fejeran: So, the pink dots are poles?

Mr. A. Gumataotao: No, the pink dots are just an approximate location of following the poles.

Commissioner J. Cruz: Those are the new lines?

Mr. A. Gumataotao: The little dots with numbers are the poles.

Chairwoman P. Fejeran: You said that the benefit to the Commission would be that we'd have power for our lessees' right there but there's already power; so, what's the benefit?

Mr. A. Gumataotao: So, if we go through land registration right and now, we have an easement in hand; we can't... we have good easement for that right; so, when you folks go for subdivision here's a bona fide easement and we can use this in the future versus us being challenged and taken up property. If we were to be challenged right now, we'd have to take out the lines right because we lack an easement really, right. And if you look at the two poles at the southwest portion, there is a gap so we want to do two additional poles towards the red line so that again is additional power closer to you folks, right.

Chairwoman P. Fejeran: I'm not following, where are you referring too? Which poles? If you could show us. So, what's the red? What's the green?

Mr. A. Gumataotao: Oh yeah so, these two are poles and there's a gap right here so we're going to put two additional poles so we can have access ****inaudible****.

Chairwoman P. Fejeran: Alright and there's an existing line here?

Legal Counsel N. Toft: That's correct.

Mr. A. Gumataotao: So, it goes down this way and we want to take all of this out.

Chairwoman P. Fejeran: Oh, this would all be removed?

Mr. A. Gumataotao: That's correct. We're going to come this way, follow the ****inaudible**** road and then now with that removed we can do all of that.

Chairwoman P. Fejeran: What about these people? What happens to their power?

Mr. A. Gumataotao: So, we're going to wrap around this way because.

Chairwoman P. Fejeran: And it'll end there. It'll terminate so you're kind of just bringing it around.

Mr. A. Gumataotao: That's correct.

Chairwoman P. Fejeran: You mentioned you're moving two poles to help private residents; what poles are those?

Mr. A. Gumataotao: We're going to add two poles here.

Chairwoman P. Fejeran: Oh, you're going to add two poles. But this is Land Trust property?

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: What is the, I guess the motivation for this ****inaudible**** because I'm sure you didn't say; hey, I don't have an easement.

Mr. A. Gumataotao: We have distribution issues and we need to add the two poles to fix the distribution issue so a part of that is approaching you folks and doing it right by doing it the correct way.

Chairwoman P. Fejeran: Okay. Well. (Interrupted)

Commissioner J. Cruz: Those are all primary lines, right?

Mr. A. Gumataotao: So, there's a mix of both, primary and distribution lines.

Deputy Director J. Garcia: So, Joe because it's unregistered, so when you guys go for land registration, even DPW will come in and we're going to request that the road stay in place because it's a...

Commissioner J. Cruz: Can GPA register this?

All: Laughing.

Chairwoman P. Fejeran: I'm glad you asked that question because my next question was, you're asking us for that, what are we going to get in return?

Mr. A. Gumataotao: So again, power at your doorstep a certified easement.

Chairwoman P. Fejeran: But we already have power there.

Mr. A. Gumataotao: A certified easement so we're going to rights to those lines.

Chairwoman P. Fejeran: Right, but it's our property right now. So, we could say, that's your benefit.

Commissioner J. Cruz: What if we disapprove this today?

Mr. A. Gumataotao: So, if it's disapproved then we'll go through the land registration process and just claim our rights to a prescriptive easement.

Chairwoman P. Fejeran: Oh, so you're going to register it?

Mr. A. Gumataotao: No.

Chairwoman P. Fejeran: Mr. Gumataotao you know we're always getting hit left and right and hey we're about to talk to DPW right here asking the Land Trust for property use

occupancy whatever... the Land Trust is going to ask back; what are you going to do for us in return?

Mr. A. Gumataotao: The registration of the property for the easement. The easement exhibit, a PLS certified easement exhibit and then for the poles to remain in place.

Commissioner J. Cruz: So, you're only going register your alignment?

Mr. A. Gumataotao: That's correct.

Chairwoman P. Fejeran: Is 203 the only unregistered lot that we have there?

Commissioner J. Cruz: In that area.

Chairwoman P. Fejeran: In that area, it's just that one? Or is it a part of a larger unregistered?

Legal Counsel N. Toft: I'm not sure they have the legal right to register by GPA I think that's something that we would have to initiate.

Chairwoman P. Fejeran: Oh, we'd initiate but they pay for it.

Legal Counsel N. Toft: We'll if they do the survey then our surveyors can use the maps then saves some work...

Chairwoman P. Fejeran: So, you wouldn't be just surveying the easement? You would be surveying our whole entire lot?

Mr. A. Gumataotao: That wouldn't be...

Legal Counsel N. Toft: The map that do would not be a map we would use that the land registration map but it may be used as a basis for it.

Mr. A. Gumataotao: That's correct. So, we can ask for...

Legal Counsel N. Toft: So, it's not completely without use to the Commission, I guess would be the way to put it.

Mr. A. Gumataotao: That's correct so from 1994 to today, you know things may have changed so we can ask them to recover points we can put that as part of the scope, recover points and then delineate the existing...

Legal Counsel N. Toft: Sign off on the deletion of this other easement as well so that we'd recover the amount of land in Lot 203.

Deputy Director J. Garcia: But even with deleting of that easement, you got to look if there's other people in the bottom that use that easement as part of their subdivision. Remember back...

Legal Counsel N. Toft: ****Inaudible**** just as part of the 203 but the part within 203 I mean we wouldn't have the rights to delete the easement ****inaudible**** outside of the 203 line. But just so it maximizes... if we were to be able to use any of the cliff-ish area south of the road that we are at least maximizing the available land.

Chairwoman P. Fejeran: Does the Commission find that sufficient for the request?

Commissioner J. Cruz: Survey, give us the a...

Mr. A. Gumataotao: Survey? The exhibit?

Commissioner J. Cruz: You know you have 20-foot easement I mean your 20-foot alignment is not too sure where you're going to have it on that lot, you're only asking for 20 floating.

Mr. A. Gumataotao: No, we will delineate where it's going to be, it will be something that the Commission has approved before, we've done it in the past.

DPW Deputy Director J. Garcia: ****Inaudible****

Mr. A. Gumataotao: No, it's going to be PLS. It will be a PLS certified.

Deputy Director J. Garcia: Severed out?

Commissioner J. Cruz: So, if you're doing a survey, consider the existing infrastructure there, the paved road, the waterline and you know try not...

Mr. A. Gumataotao: So, we can submit it to the Director and say; hey, can you make these changes... adjust here adjust there if you want to incorporate the existing road but it will be granted to GPA so...

Commissioner J. Cruz: Grant what to GPA again?

Administrative Director J. Hattig, III: An easement.

Mr. A. Gumataotao: An easement.

Deputy Director J. Garcia: It's only going to be power easement.

Administrative Director J. Hattig, III: Power easement.

Deputy Director J. Garcia: Not water.

Administrative Director J. Hattig, III: No water.

Deputy Director J. Garcia: It's only going to power when they do the survey.

Mr. A. Gumataotao: Unless you want to change it. If you want to change it to create a PAUE so we're all in there.

Deputy Director J. Garcia: Because when it comes down to land registration, we're going to request for road.

Commissioner J. Cruz: So, if we put a public easement, would Public Works come and pave it?

Deputy Director J. Garcia: It's already paved.

Commissioner J. Cruz: No, the new one.

Mr. A. Gumataotao: So, if that's what you want to do, to create the PAUE.

Administrative Director J. Hattig, III: Public Access Utility Easement.

Mr. A. Gumataotao: For the existing to include everything and then swap it basically maybe present that as a condition in your response and we can talk to management and then...

Chairwoman P. Fejeran: And then at the same time, we'd be able to use the survey map that you do for that easement for our land registration purposes.

Mr. A. Gumataotao: Absolutely. I would just need to know what the scope is and maybe they can give us a scope so that way we can provide it to our...

Administrative Director J. Hattig, III: My next meeting is with them so...

Mr. A. Gumataotao: Thank you, that's all I have unless you...

Chairwoman P. Fejeran: Should we make a motion to memorialize this.

Commissioner A. Bordallo: Yes.

Chairwoman P. Fejeran: Yeah.

Commissioner J. Cruz: Yeah.

Administrative Director J. Hattig, III: Are you ready?

Mr. A. Gumataotao: So, if I may, if it does in the motion; can it include that proceed with the electrical project to add the two poles?

Commissioner J. Cruz: Yeah, we can.

Chairwoman P. Fejeran: So, we're talking about approving GPA to create a PAUE, right so that along the existing road with the existing electrical lines but then making it legit and within that PAUE there would be two additional poles.

Mr. A. Gumataotao: Yes, please. As soon as it's approved, we can move forward with that critical project.

Administrative Director J. Hattig, III: How long would it take to finish your project?

Mr. A. Gumataotao: So, we have the design we just have to get the clearances from other utility agencies and then we can...

Administrative Director J. Hattig, III: Can you give us a ball park figure? One month, two months?

Mr. A. Gumataotao: Maybe a month and a half.

Deputy Director J. Garcia: I think the critical part is when you want this project done; it's going to take time for them to do... the survey itself is...

Mr. A. Gumataotao: That's what I was saying, we'll do this survey, we'll proceed with that portion but if we can get the approval to say okay; you can proceed with the electrical project subject to you submitting the maps, right. We want to proceed with that project; we'll go to the permitting agencies. It's just the survey is going to take a lot longer than what we can do with our...

Commissioner J. Cruz: What's our liability?

Mr. A. Gumataotao: Say that again.

Commissioner J. Cruz: What is our liability giving you the authorization without the...

Mr. A. Gumataotao: You can revoke it. You can...

Chairwoman P. Fejeran: Liability.

Commissioner J. Cruz: During construction of you putting up those poles.

Mr. A. Gumataotao: Oh, so it's GPA's liability. We're going to go and get the permits, right. We're going to get the clearances we're not going to hit the waterlines; we're going to stay away from the roads. There is zero liability right now to the Commission.

Chairwoman P. Fejeran: So, it sounds like what you're asking for is kind of two things; one, is a right of entry to proceed with the project immediately and then two, the creation of the PAUE easement?

Mr. A. Gumataotao: Yes.

Commissioner J. Cruz: I think he is also asking for the installation of the two lines?

Mr. A. Gumataotao: The right of entry will give us that authorization.

Commissioner A. Bordallo: So moved.

Commissioner J. Cruz: I second it.

Chairwoman P. Fejeran: A motion made and seconded. Is this one motion? All of that?

Commissioner J. Cruz: Yes.

Legal Counsel N. Toft: You can do that.

Chairwoman P. Fejeran: Okay. Just to restate the motion; if I may, to grant GPA a Right of Entry to proceed with their powerline upgrade and power pole installation on Lot 203 and also to approve GPA creating the PAUE easement along that same area.

Mr. A. Gumataotao: Yes.

Chairwoman P. Fejeran: Any further discussion?

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. Okay, motion passes.

Mr. A. Gumataotao: Thank you so much. Thank you.

Chairwoman P. Fejeran: Okay. Aright, next we have under Old Business, No. 3a. DPW; Right of Entry request for Lot 5173 in Tamuning

OLD BUSINESS

3a. Department of Public Works; Right of Entry request for Lot 5173, Tamuning.

Deputy Director J. Garcia: Okay, so DPW Deputy Director J. Garcia Department Public Works the Deputy Director. Anyway, so that lot, we canceled the bid for now but when we reopen the bid, we need to come back to the Commission and request for location so basically the last meeting I guess we identified an area that DPW wanted to use for the staging site for whoever wins the contract. The only reason we would ask that DPW be the one request for it is because it's going to take an effect into the value of the proposed contract. So, to keep it easier; if Government of Guam request for the contract and in return we're going to just clear the area and make usable to whoever you guys want to lease it out too.

Chairwoman P. Fejeran: Okay, so 51...

Deputy Director J. Garcia: But we can discuss that later because the contract needs to ****inaudible**** be done.

Chairwoman P. Fejeran: Okay so last time it was kind of...

Deputy Director J. Garcia: But it's going to come back in.

Chairwoman P. Fejeran: It is going to come back in, obviously.

Deputy Director J. Garcia: Yes, it will come back but it may not be at that same location.

Chairwoman P. Fejeran: Okay, so this is for Lot 5173 in Tamuning that we previously reviewed.

Deputy Director J. Garcia: Yes. The Oka Point.

Chairwoman P. Fejeran: Okay, I would ask that when you do come back; you provide the Commission with...

Deputy Director J. Garcia: We'll get the details of what we're going to ask for.

Chairwoman P. Fejeran: ****Inaudible**** the details but also what is the Trust going to get in return with the use of this property and etc....

Administrative Director J. Hattig, III: I know we talked with Masoud and in kind, the Chief Engineer was here at the last meeting and he spoke possible in-kind services as far as...

Deputy Director J. Garcia: Yes, and that's why we'll discuss it and see what the requirements are going to be for the project.

Chairwoman P. Fejeran: Okay so it sounds like Mr. Garcia we can table this Right of Entry request?

Deputy Director J. Garcia: Yes, you can table it.

Chairwoman P. Fejeran: Actually, we'll just place it as a dead agenda item until you come back. Okay, so this is a dead item, no longer requested. So now the next agenda item is a proposal for Lot 11405, in Dededo.

Administrative Director J. Hattig, III: So, I want to submit before the Director, if I could, I want to submit the overlays for the Coral Pit. Currently right now, DPW came to us and informed us that um well actually they're not the same, they're the succession, the way I put it in order.

Chairwoman P. Fejeran: Uh oh, I think we put it out of order.

Administrative Director J. Hattig, III: Yeah, so we only made one copy because it's color.

Chairwoman P. Fejeran: So, this? What did you say, Lot Four...?

Administrative Director J. Hattig, III: 11405 right, the Coral Pit. So, the first indication here, is the entire... currently what's going on right now, okay? So currently what's going on right now is they don't have enough buffer space in order to meet the mining

requirement, the Federal Mining requirement so they came to us with the request for the lots that you see here that are above the current Coral Pit, right here. So, there are lots, roughly seven and if you count these three, there's ten lots that are already leased to CLTC lessees so that's currently the situation right now. Now this next one is what would happen if they were given the appropriate boundary in order to meet the requirement and satisfy the federal regulation, it would cut into the current lots that are here, as you can see and so that's what they are coming to the Board for, right. So, we've worked with them to try to identify these lots and try to identify the buffer strip like how much they need, so this is a determination for that and this last one right here is the actual what we had beforehand was to include these three lots but in consultation with them; they said that we would be able to keep those lots whole therefore satisfying their federal requirement of this.

Chairwoman P. Fejeran: So, the yellow is...

Administrative Director J. Hattig, III: The yellow is pretty much what we're proposing right now. So that's the synopsis so far, I'll have the Director you know kind of provide context but this is what we've drawn up.

Deputy Director J. Garcia: So I guess that Dededo Coral Pit has been there since DPW existed with the Coral Pit so as the Government of Guam started identifying lands for CHamoru Land Trust and government agencies ****inaudible**** reserved, that's always been... DPW property that we've been using and have used so I guess when CHamoru Land Trust did their parceling for those lots for land for the CHamoru Land Trust or the people or applicants or lessees that they awarded, they should have took into consideration that there is an existing Coral Pit, the Coral Pit has been there and it's a deep drop, they should have took into consideration a buffer zone. And then what really came up is MSHA it's a mining OSHA for Coral Pit.

Administrative Director J. Hattig, III: Safety and Health and ****inaudible****.

Deputy Director J. Garcia: There was a... in the Kaiser housing area one of the residents walked into the Coral Pit and fell into the Coral Pit and died.

Chairwoman P. Fejeran: Oh, my gosh.

Deputy Director J. Garcia: It was on a weekend.

Chairwoman P. Fejeran: When was this?

Deputy Director J. Garcia: A couple of years ago. And then our guys when they came into work Monday, they told me. But the Coral Pit has been there so the Commission should have taken into consideration a buffer prior to them ****inaudible****.

Chairwoman P. Fejeran: I appreciate it that, I'm all for safety. But shouldn't the buffer be on your property not our property?

Deputy Director J. Garcia: But our Coral Pit has been (interrupted).

Chairwoman P. Fejeran: I mean if all... (Interrupted).

Deputy Director J. Garcia: Our Coral Pit has been existing. The subdivision wasn't there yet so when they did the planning of the subdivision, they should have planned for the buffer. Not DPW because our Coral Pit is there, what we're asking... (interrupted).

Commissioner J. Cruz: But do you have a map or a outline of your limitation for your buffer? Recorded somewhere where it could be associated with the approval of maps?

Deputy Director J. Garcia: No, I don't think so because what happened was when the Government requested for so many acres and the Government awarded us the acreage so I guess when they did the survey that was a boundary where they created our limits.

Commissioner J. Cruz: But is your Coral Pit sitting on a specific lot?

Deputy Director J. Garcia: Yes, it's sitting on a...

Commissioner J. Cruz: Lot number?

Deputy Director J. Garcia: Yeah.

Commissioner J. Cruz: And does that lot number overcome the subdivision that we created?

Administrative Director J. Hattig, III: ****Inaudible**** In the process of mapping it right now, Land Management... it's being mapped right now.

Deputy Director J. Garcia: I believe so, it was a part of the whole basic lot of...

Commissioner J. Cruz: So, our subdivision is seniority over your lot because it's still being mapped.

Deputy Director J. Garcia: Yeah, but it's existing. Our Coral Pit has been existing before you've even been mapped.

Commissioner J. Cruz: Yeah but the development of the extraction is just recently.

Deputy Director J. Garcia: No, no, no... our Coral Pit.

Commissioner J. Cruz: No, it's recently extracted on the west side. It's deep. The main thing is old but the new extraction is just recently, less than two years.

Deputy Director J. Garcia: I don't think so, Joe. The Coral Pit side that's the first side of the Coral Pit that they did. That's where they're always at.

Commissioner J. Cruz: Yeah, the hole that's existing, that's old but the excavation towards the subdivision is just recently.

Deputy Director J. Garcia: No...no...no... from behind your subdivision, that's a straight drop. It's not... so in the back side that's how we're doing it, Joe but not that side, that's the original (interrupted).

Chairwoman P. Fejeran: What is your request?

Deputy Director J. Garcia: Our request is to see if CHamoru Land Trust can move those guys or relocate those people that were awarded ****inaudible****.

Engineer Technician II M. Javier: These are the seven lots that he's asking to... (Interrupted).

Chairwoman P. Fejeran: And there's seven lessees I mean existing homes?

Commissioner J. Cruz: How many tenants do we have there?

Engineer Technician II M. Javier: Three that has existing... one, two, three.

Deputy Director J. Garcia: We're in the process of fencing off our property line.

Commissioner J. Cruz: Your buffer?

Deputy Director J. Garcia: No, the boundary line of the Coral Pit where we have but the problem is for the safety of the tenant... (Interrupted).

Commissioner J. Cruz: What you're fencing is your boundary line or the buffer?

Deputy Director J. Garcia: No, the boundary line.

Chairwoman P. Fejeran: They're asking to use our property as their property.

Deputy Director J. Garcia: No, we're not asking to use your property. We're asking for the CHamoru Land Trust for the safety of your clients to keep them away from our fence.

Chairwoman P. Fejeran: But you're no... yeah, I mean yeah. So, you're not asking us to give you property?

Deputy Director J. Garcia: No... no we're not asking for property.

Chairwoman P. Fejeran: You're just asking us to kick our tenant.

Deputy Director J. Garcia: To relocate them for safety.

Chairwoman P. Fejeran: To remove our tenants so that you can comply with OSHA and we can keep everybody safe.

Deputy Director J. Garcia: Actually, we're putting up the fence to comply with OSHA but as the Government we're thinking about the safety of... if they have kids or they jump over the fence and they go straight into the Coral Pit.

Chairwoman P. Fejeran: Yeah, safety is absolutely a priority. My concern is the tenants that are there right now and if you put the fence up that's not adequate for OSHA, so it sounds like (interrupted).

Deputy Director J. Garcia: It's not that it's going to be adequate for OSHA, we're putting up the fence because of the safety barrier. We're putting up the safety barrier that's required but we want to make sure that DPW's part is that the government takes responsibility and puts a safety barrier a safety zone so that there's no incidents that would happen.

Administrative Director J. Hattig, III: Jess, you're going to put earthen mounds pretty much? I mean, what's the safety barrier?

Deputy Director J. Garcia: No, no we're putting up chain-link fence.

Administrative Director J. Hattig, III: Okay so you're actually putting up more fences.

Chairwoman P. Fejeran: So, you're putting it up at the back of the Land Trust properties?

Deputy Director J. Garcia: Actually, we're doing it right now in front of the Coral Pit, we want to extend it to the side.

Commissioner J. Cruz: This is where they're at. If you're facing the Coral Pit it's on the right.

Chairwoman P. Fejeran: So, you're... are installing fence on your property?

Deputy Director J. Garcia: Yes, on our boundary line.

Chairwoman P. Fejeran: But not in this proposed buffer zone, yet?

Engineer Technician II M. Javier: There's an existing fence right now along this boundary right here.

Chairwoman P. Fejeran: Oh, there is.

Deputy Director J. Garcia: But it's not stable. We're hardening it.

Chairwoman P. Fejeran: So, you're hardening it?

Deputy Director J. Garcia: Yes.

Chairwoman P. Fejeran: Oh okay. I guess I'm trying to understand why do you need it?

Deputy Director J. Garcia: I don't need the property. I'm a part of the Government, we're thinking about the safety of your lessees that are out there. You can leave your lessees there, let's just say for example, we have a storm and the typhoon falls the kids walk over and fall into the hole. But if there's a buffer, they know they're not supposed to be there.

Chairwoman P. Fejeran: So anytime we have to relocate lessees, we have to give them compensation, pay for their relocation whatever they have to leave behind we have to pay for so is DPW willing to do that for the Trust? For all of these properties?

Deputy Director J. Garcia: We're here to help ma'am but we've done work for the CHamoru Land Trust and you guys... I hope the Land Trust takes into consideration the work that DPW did for example, we did the Dengue Fever, we did the work of the cleanup of the Swamp Road; there was no charge to CHamoru Land Trust, we just did it. We don't want to go back to who's going to pay what...this is the Government, we did it as a Government. This is just a safety concern. If they don't want to relocate, then fine, ****inaudible**** we came and request. On our part, we did our due diligence to inform the CHamoru Land Trust.

Administrative Director J. Hattig, III: Ma'am, if I could, we did meet with the Chief Engineer and we have the Deputy Director here but if can determine that those homes are not concrete homes; DPW did make ****inaudible**** that they would be able to assist in the

movement. I think that we have a container home that needs to be moved, so perhaps that kind of in-kind service.

Deputy Director J. Garcia: Those kinds of things are workable.

Commissioner J. Cruz: But do we have a place to relocate ****inaudible****.

Administrative Director J. Hattig, III: And that's our job, you know, once you tell us that. Obviously, we're looking for seven parcels for seven lots that we can relocate these people too. So, we're already preparing in the event of... and we're trying to properties that are surveyed number one and close to utility because I believe that there's powerlines that there's an easement that's in there already and powerlines erected already so we're trying to meet the same qualifications that they had with the new property.

Commissioner J. Cruz: So, all those seven are legally leased? Not squatters?

Administrative Director J. Hattig, III: Yeah. No. According to our record. And three of them need to be moved and the others have not been touched yet, have not occupied yet.

Commissioner J. Cruz: But they leased.

Administrative Director J. Hattig, III: Right. That's easy but the three that we have to you know work with DPW on that one.

Chairwoman P. Fejeran: Okay, but I think it's absolutely important that we get out and we notice them right away about this news, what should be a buffer zone that should not be occupied.

Administrative Director J. Hattig, III: We've gone out and we've actually preliminary talked with them about the situation and so what I'd like to do is issue an actual, once the Board makes a decision, to issue an actual letter of some kind informing them.

Chairwoman P. Fejeran: Notice of relocation or something?

Administrative Director J. Hattig, III: Perhaps, for safety concerns. The staff will meet each individual, we'll bring them in and we'll make them understand. We've gone out already to the sites and we visited the three that are occupying already and we kind of told them that this is the situation right now and please be prepared in the eventuality that the Board decides for your safety to relocate you.

Chairwoman P. Fejeran: Okay.

Commissioner J. Cruz: Another thing we'll do, these lots that are not being affected; its advice to give them notice, hazardous notice.

Administrative Director J. Hattig, III: Of course, definitely.

Chairwoman P. Fejeran: Okay, well do we need a motion?

Administrative Director J. Hattig, III: Well for the relocation; definitely, I think that that's something we need and then perhaps a right of entry to construct, once the relocation has been complete then to construct whatever ****inaudible****.

Deputy Director J. Garcia: Actually, that fence that we're putting up is going to be on our property.

Administrative Director J. Hattig, III: So, there's no additional construction on our property at all? Nothing?

Deputy Director J. Garcia: I don't think so.

Chairwoman P. Fejeran: So, you're just asking that we keep it vacant?

Deputy Director J. Garcia: Yes.

Chairwoman P. Fejeran: Okay.

Commissioner J. Cruz: Are you going to be clearing the buffer? Grading or leaving it as is?

Deputy Director J. Garcia: We could probably just clear it and then put berms up.

Administrative Director J. Hattig, III: That's what I was asking, earthen berms, right that way...

Deputy Director J. Garcia: (inaudible) Yeah that's the one but as far as fencing it will be on our property.

Administrative Director J. Hattig, III: Okay.

Chairwoman P. Fejeran: Okay, I mean you know it's for safety, my concern is the cost that we will incur for this.

Deputy Director J. Garcia: We'll assist on whatever simple stuff we can do.

Administrative Director J. Hattig, III: I'd like to be given the opportunity to work with DPW on exactly what those terms are going to be but not withstanding the relocation, which is the important part.

Chairwoman P. Fejeran: Okay so I heard relocation to a similar or conditions?

Administrative Director J. Hattig, III: Yeah similar conditions to the existing power and water and of course access because there is a road that goes into those particular lots. We attempted to try and approach the Department of Land Management already because there is a portion of 11405 that was set aside for land transfers and so we were trying to see if they could assist us in moving them there so that we wouldn't have to move them too far but that possibility is not possible at all. Seventy acres, right?

Engineer Technician II M. Javier: Seventy acres.

Administrative Director J. Hattig, III: Seventy acres that was set aside by law, we were trying to see if we could you know kind of move them there...

Commissioner J. Cruz: Yeah, but that's reserved for land exchange.

Program Coordinator J. Cruz, Jr.: That's why we can't.

Administrative Director J. Hattig, III: Yeah for land exchange, well I only mentioned it because the Director of Land Management came to me and he approached me about it and so we went through the process of trying to find out but we found out that it was done legislatively and so any changes would have to be done legislatively too.

Commissioner J. Cruz: Under the land reservation.

Administrative Director J. Hattig, III: Right now, we have the land agents working and finding those seven lots so that we can provide that. We're hoping that it can be in the same, all seven can be in the same area but we can't guaranty that right now.

Commissioner J. Cruz: And if there's water and power that's ****inaudible**** what's going to be compatible.

Administrative Director J. Hattig, III: Well currently there's water I mean power I don't know about water; I'd have to verify that but there's power within 100 feet, I believe.

Chairwoman P. Fejeran: Okay. Does someone want to make that motion? To initiate.

Commissioner A. Bordallo: To initiate. I ****inaudible**** that we initiate the relocation of seven lots near the Dededo Coral Pitt in order to have a buffer zone and for safety reason.

Chairwoman P. Fejeran: Motion made.

Commissioner A. Santos: I second it.

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

All Commissioners: No.

Chairwoman P. Fejeran: No? All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Okay, ayes have it.

Administrative Director J. Hattig, III: Thanks Jess. Thank you, Karen. Thank you very much.

Chairwoman P. Fejeran: Do we have anyone else in the room for...

Administrative Director J. Hattig, III: No. No, ma'am.

Chairwoman P. Fejeran: Alright, we have 30 minutes, what's left on our agenda is Old Business, Commercial Leases, Leases expiring in two years.

Administrative Director J. Hattig, III: Yes.

Chairwoman P. Fejeran: Do we have anything under New Business; Agricultural Residential Leasing?

Administrative Director J. Hattig, III: Yes, ma'am we do and I spoke about that; Mr. Johnny Mafnas Hattori was brought before the Commission on January sixteenth, however, at that time Commission has decided to table it until the Legal Counsel could be present and we do have the land agent that is available to present the Staff Report that's before you, it should be in the packet so that we can make a determination.

Chairwoman P. Fejeran: Does the Commission want to table the leases expiring in two years and jump to that? Is that okay?

All Commissioners: Yes.

Administrative Director J. Hattig, III: Just for the Commission, we did include an updated list and their expiration dates so when they're ready to jump into that, they could use that as a reference.

New Business

1a. Agricultural and Residential Leasing

Johnny Mafnas Hattori

Chairwoman P. Fejeran: Okay, we're ready to hear about Johnny Mafnas Hattori.

Land Agent I Jessica Dayday: Hi so, my name is Jessica Dayday Land Agent with CHamoru Land Trust Commission. I have Mr. Johnny Mafnas Hattori, he is not on island at this time, he left on a family emergency. So, Mr. Hattori is currently occupying Lot 10120, this in Swamp Road in Dededo. Mr. Hattori has a Land Use Permit, he was a pre-occupier prior to 1986 he was a pre-occupier in Lot 50402, Pagat, Mangilao and then when he met his wife or his spouse, he relocated himself to Swamp Road where she was occupying, her and her family. His application date and time is December 18, 1995 or excuse me just his date, December 18, 1995. Mr. Hattori a Dededo Mayor's Verification and the Mayor stated that he's been residing in Swamp Road since 1986. He has no lease, he has no lease at this time, he is requesting for issuance of an Agricultural Lease. We did conduct a site inspection. We found that there is a home. He did construct a home. He is not farming though but he is using the whole property. He has like his storage, his dog kennel, and he has power, water, telephone and cable.

Administrative Director J. Hattig, III: With no lease.

Chairwoman P. Fejeran: Why did he want to change to agricultural?

Land Agent I J. Dayday: Actually, he requested for agriculture at that time because his mother in law and when he moved there, he was farming with her and...

Chairwoman P. Fejeran: Is he ready for an Agricultural Lease now or?

Land Agent I J. Dayday: Yes, he originally came in for Survey Authorization so we just...

Commissioner A. Santos: Oh, so ready for farming.

Land Agent I J. Dayday: So, I'm bringing this to the board to request for Agriculture Lease but subject to survey but he is ready. He does have a home on the property at this time.

Chairwoman P. Fejeran: And he's occupying?

Land Agent I J. Dayday: Yes, he is.

Commissioner A. Bordallo: And whose lot was it before?

Land Agent I J. Dayday: It was his mother in laws. His mother in law actually had two acres, however, he's only occupying one acre the other half of it I'm not really sure who the other occupants are, they don't have a lease with us, they don't have an application with us so that's going to be a different a...

Commissioner A. Santos: Different application.

Land Agent I J. Dayday: But he's only requesting for the property that he's on at this time.

Administrative Director J. Hattig, III: I think one of the issues that we had brought up is that we have a person who is claiming a pre-occupier on a different piece of property and then requesting for a lease on a property that he moved too, so that's what we wanted Legal Counsel's opinion on whether that qualifies him as a pre-occupier. I mean he was a pre-occupier in Pagat not a pre-occupier in Swamp Road but when he moved with his wife, he received a Mayor's Verification that he was living since 1986 which it does support his claim but you can see the inconsistency and we want to just be consistent.

Commissioner A. Santos: Only his wife was living there.

Commissioner A. Bordallo: The lot in Pagat was actually his?

Land Agent I J. Dayday: Correct, it was his. He was there at that time.

Chairwoman P. Fejeran: It was only a Land Use Permit though.

Land Agent I J. Dayday: Then when he met his wife, he moved in with her and her family.

Commissioner J. Cruz: So, he's asking to be on 10120 a portion of 10120?

Land Agent I J. Dayday: Correct.

Commissioner J. Cruz: And who's at Pagat now? Abandoned?

Land Agent I J. Dayday: Yeah, he mentioned that he left there.

Commissioner A. Santos: He just abandoned the land.

Land Agent I J. Dayday: Yes.

Chairwoman P. Fejeran: Well doesn't pre-occupancy status it can be proved whether they have a Land Use Permit or it can be proved where you were at a certain date in '95, is that correct?

Legal Counsel N. Toft: Yeah, July 12, 1995.

Chairwoman P. Fejeran: July 12, 1995, so if his Mayor's Certification says he's been occupying since '86 we can assume that his pre-occupancy qualifies him.

Legal Counsel N. Toft: Yeah.

Administrative Director J. Hattig, III: There you go.

Commissioner A. Bordallo: But the Swamp Road land is under no one's name?

Land Agent I J. Dayday: Yeah, there's no one on that, there's no lease.

Chairwoman P. Fejeran: And he's ready to have it surveyed?

Land Agent I J. Dayday: Correct. He's actually been waiting since November. Actually prior, he's mentioned that he's been coming to the Commission he has gone to the Governor's Office, he's been trying to find help into getting a lease, survey all that but he was never successful.

Chairwoman P. Fejeran: Okay.

Commissioner J. Cruz: What's the area of the portions?

Chairwoman P. Fejeran: Is that why he wants agriculture so we could give him the whole thing? Maybe, that's why.

Land Agent I J. Dayday: Actually, in November 12, 2003, he requested to change his application type and it was approved by Mr. Borja, Joseph Borja, the Administrative Director at the time.

Commissioner A. Santos: Oh, long time.

Land Agent I J. Dayday: It was changed.

Legal Counsel N. Toft: And that was probably prior to the law changing the ****inaudible**** size of the lot. It probably was not in response to that.

Chairwoman P. Fejeran: Are we assigning lot size with our... oh one area, one acre requested.

Commissioner J. Cruz: So, what's the total basic area if we're taking out one acre from the R6 this R16 this R116.

Engineer Technician II. M. Javier: You are taking it out of the remainder of the ****inaudible****, I'm not sure of the size ****inaudible****.

Commissioner J. Cruz: ****Inaudible****.

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

Legal Counsel N. Toft: Yeah, if you look at the screen it's a big ****inaudible**** remainder.

Commissioner J. Cruz: It will still be a place to relocate those seven names?

Administrative Director J. Hattig, III: It's possible. It's possible.

Commissioner A. Santos: Aye magahet. (That's right)

Administrative Director J. Hattig, III: There's power and water in that area where you know you can see access is provided but if you zoom out there Mr. Cruz there that's the remainder of the lot. That's a huge a....

Land Agent J. Dayday: It does have utilities.

Commissioner J. Cruz: We should come in subdivision and get it all at one time.

Administrative Director J. Hattig, III: Well when have pre-occupiers that have already established themselves since 1986 it's hard to do subdivision in a...

Commissioner J. Cruz: No, you just work around it and you create a whole 200 acres. Work around the...

Administrative Director J. Hattig, III: It sounds simple but when I talk to Land Management about it, it's not that simple.

Commissioner J. Cruz: Who are you talking to?

Commissioner A. Santos: Mr. Borja.

Administrative Director J. Hattig, III: These guys first and Land Survey.

Commissioner J. Cruz: Planning is the key to this subdivision.

Chairwoman P. Fejeran: Speaking of which there was I don't remember, maybe Mr. Cruz you mentioned it to me before but when we go out for clients, we should focus on those lease holders with properties that are large.

Administrative Director J. Hattig, III: Yes, I agree.

Chairwoman P. Fejeran: Yeah so that we can reduce their acreage and get new people in there.

Commissioner J. Cruz: I can start giving you names.

All: Laughing.

Chairwoman P. Fejeran: So, does the Commission want to make a motion?

Commissioner A. Bordallo: I want to make a motion to approve issuance of an Agriculture Lease for the portion of Lot 10120-R116 in the Municipality of Dededo containing an area of one acre subject to survey to Johnny Mafnas Hattori.

Commissioner A. Santos: And I second it.

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

All Commissioners: None.

Chairwoman P. Fejeran: All those in favor?

All Commissioners: Aye.

Chairwoman P. Fejeran: Ayes have it. Motion passes. Thank you.

Land Agent I J. Dayday: Thank you.

Chairwoman P. Fejeran: Thank you, Ms. Dayday. So, the agenda items I have are; Leases expiring in two years, Commercial Leasing, Financial Report, Director's Report, Public Comment nobody is here. I'd like to ask that we move all of those untouched agenda items and put them at the front of our February twentieth meeting and can you please ask Mr..... I also think we need to move Mr. Simpson to another time, March, have him on our March agenda. I think February is going to be a little to packed because we have Hal's and Rugby coming in and I think with what's left on our agenda today, plus Hal's and Rugby that's going to be a full agenda that day.

Administrative Director J. Hattig, III: For GEDA, I don't have anything too actually for action but I did have some concerns that I wanted to forward to the Commission for the three properties that we're issuing the RFP's for; so they did bring some concerns but I can send this to the Commission.

Chairwoman P. Fejeran: Is this beyond what they emailed?

Administrative Director J. Hattig, III: Yes, yes, it's beyond, it's new, so that's why I wanted to find out...

Chairwoman P. Fejeran: Yeah, sure.

Administrative Director J. Hattig, III: We can put it on the front end of February twenty.

Chairwoman P. Fejeran: Yeah, let's do that. Okay, so we'll table all of those. And again, it will be at the front end so we can get to it and then...

Administrative Director J. Hattig, III: We can put it under Old Business Ma'am, I'll shuffle this around.

Chairwoman P. Fejeran: Okay. Thank you. Let's see, I know that there's September minutes that have not been approved yet.

Administrative Director J. Hattig, III: No, we're still working on the editing of the minutes.

Chairwoman P. Fejeran: Okay so there's September, October, November...

Administrative Director J. Hattig, III: October, we're having trouble because of the sound quality and so we're going through a muffled sound so we're working as hard as we can to through October.

Chairwoman P. Fejeran: Oh shoot, okay. Does the Commission have any comments before we adjourn?

All Commissioners: No.

Chairwoman P. Fejeran: Alright. Well, thank you everybody for your time, we'll see you February twentieth. Can I have a motion to adjourn?

Commissioner A. Bordallo: Motion to adjourn.

Commissioner J. Cruz: I second it.

Chairwoman P. Fejeran: We are adjourned.

Adjourned: 4:45 p.m.

Transcribed by: Tina Rose Tainatongo, Land Agent I _____

Approved by motion in meeting of: _____

Jack Hattig III, Administrative Director: _____ Date: _____

