

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
53-35 (COR)	Sabina Flores Perez Clynton E. Ridgell Tina Rose Muña Barnes	AN ACT TO ADD NEW §§ 63101(dd) AND 63116.3, AND AMEND §§ 63129 AND 63128 , ALL OF ARTICLE 1, CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF FISHING WITH THE USE OF A SELF-CONTAINED UNDERWATER BREATHING APPARATUS (SCUBA) AND SIMILAR DEVICES IN THE WATERS OF GUAM OR IN ANY VESSEL IN THE WATERS OF GUAM.	2/22/19 1:32 p.m.	3/7/19	Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response	11/13/19 3:00 p.m.	2/19/20 8:03 a.m.	Request: 3/7/19 3/11/19	



Clynton E. Ridgell
 Senator - 35th Guam Legislature
 Committee on Economic Development, Agriculture, Maritime Transportation,
 Power and Energy Utilities, and Emergency Response

February 7, 2020

Honorable Tina Rose Muña Barnes
 Speaker
 I Mina'rentai Singko na Liheslaturan Guåhan
 163 Chalan Santo Papa
 Hagåtña, Guam 96910

Via: Honorable Régine Biscoe Lee
 Chairperson, Committee on Rules

RBL

Re: Committee Report on Bill No. 53-35 (COR) As substituted

Håfa adai Speaker Barnes:

Transmitted herewith is the Committee Report on **Bill No. 53-35 (COR) As substituted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response – An Act to Add a New § 63101(dd) to Chapter 63 of Title 5, and to Add a New § 63116.3 to Chapter 63 of Title 5, and to Amend § 63129 of Chapter 63, All of Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing with the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam.**

Committee votes are as follows:

- TO DO PASS
- TO NOT PASS
- TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

RECEIVED
 FEB 07 2020
 3:41 p.m.
 COMMITTEE ON RULES

Stephanie Foo

Si Yu'os ma'åse',

[Signature]

Clynton E. Ridgell

Revision's Rec'd: 2/19/20 @ 3:30 PM.

2020 FEB 19 AM 8:03 *X*



Clynton E. Ridgell

Senator - 35th Guam Legislature

*Committee on Economic Development, Agriculture, Maritime Transportation,
Power and Energy Utilities, and Emergency Response*

COMMITTEE REPORT

Bill No. 53-35 (COR)

As substituted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response

Introduced by Senators Sabina F. Perez, Clynton E.
Ridgell, and Speaker Tina Rose Muña Barnes

“AN ACT TO ADD NEW §§ 63101(dd) AND 63116.3,
AND AMEND §§ 63129 AND 63128, ALL OF ARTICLE
1, CHAPTER 63, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO THE PROHIBITION OF
FISHING WITH THE USE OF A SELF-CONTAINED
UNDERWATER BREATHING APPARATUS (SCUBA)
AND SIMILAR DEVICES IN THE WATERS OF GUAM
OR IN ANY VESSEL IN THE WATERS OF GUAM.”



Clynton E. Ridgell


Senator – 35th Guam Legislature

*Committee on Economic Development, Agriculture, Maritime Transportation,
Power and Energy Utilities, and Emergency Response*

February 7, 2020

MEMORANDUM

To: **All Members**
Committee on Economic Development, Agriculture, Maritime Transportation, Power
and Energy Utilities, and Emergency Response

From: **Senator Clynton E. Ridgell** 
Committee Chairperson

Subject: **Committee Report on the Appointment of Bill No. 53-35 (COR) As substituted by
the Committee on Economic Development, Agriculture, Maritime
Transportation, Power and Energy Utilities, and Emergency Response**

Transmitted herewith for your consideration is the Committee Report on Substitute **Bill No. 53-35 (COR) – “AN ACT TO ADD NEW §§ 63101(dd) AND 63116.3, AND AMEND §§ 63129 AND 63128, ALL OF ARTICLE 1, CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF FISHING WITH THE USE OF A SELF-CONTAINED UNDERWATER BREATHING APPARATUS (SCUBA) AND SIMILAR DEVICES IN THE WATERS OF GUAM OR IN ANY VESSEL IN THE WATERS OF GUAM.”**

This report includes the following:

- Copy of COR Referral of Bill No. 53-35 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet(§)
- Submitted Testimonies & Supporting Documents
- Committee Report Digest
- Copy of Bill No. 53-35 (COR)
- Copy of Bill No. 53-35 (COR) As substituted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response
- Substituted Mark-Up Version
- Copy of Fiscal Note from Bureau of Budget and Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet; your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact my office.

Si Yu'os ma'åse'

Senator Amanda L. Shelton,
Vice Chairperson

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telena Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), Ph.D.,
Member

Senator Sabina Flores Perez
Member

Senator Clynton E. Ridgell
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
35TH GUAM LEGISLATURE

March 7, 2019

Senator Joe S. San Agustín
Member

Senator Jose T. Terlaj
Member

Senator Therese M. Terlaj
Member

Senator James C. Moyla
Member

Senator Mary Camacho Torre
Member and
Chair, Subcommittee on Protocol

MEMO

To: **Rennae Meno**
Clerk of the Legislature
Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Régine Biscoe Lee**
Chairperson, Committee on Rules

Re: **Referral of Bill No. 53-35 (COR)**

Buenas yan Háfa adai.

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 53-35 (COR)**.

Please ensure that the subject bill is referred, in my name, to **Senator Clynton E. Ridgell, Chairperson of the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response.**

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,


Senator Régine Biscoe Lee
Chairperson, Committee on Rules





Erin M. Grajek <egrajek@guamlegislature.org>

FIRST NOTICE of Public Hearing on Bill No. 53-35 (COR)

Erin M. Grajek <egrajek@guamlegislature.org>

Tue, Nov 5, 2019 at 3:41 PM

Bcc: phnotice@guamlegislature.org, Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>, nic.rupley@epa.guam.gov, whitney.hoot@bsp.guam.gov, patrick.keeler@bsp.guam.gov, bjcruz@guamopa.com, davehayner@vcsgllc.com, diveonguam@gmail.com, lee@mdaguam.com, mguam2012@yahoo.com, malessosurfer@hotmail.com, onebreathdiver@gmail.com, marinemaniagwhs2019@gmail.com, gabejereza@gmail.com, lindian@teleguam.net, melanie.blas@gmail.com, marieauyong@yahoo.com, jcb_96932@yahoo.com, amvloerzel@gmail.com, jondeloso@gmail.com, marybelle.quinata@gmail.com, ecowarriorsguam@gmail.com, micronesiansconservation@gmail.com, tdnbroker@gmail.com, gfca@ite.net, aebenavente@gdoe.net, ceharuo@gdoe.net, serasimus@hotmail.com, brent.tibbatts@gmail.com

FOR IMMEDIATE RELEASE

November 5, 2019

MEMORANDUM

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To: All Senators, Stakeholders, Media**From: Senator Clynton E. Ridgell****Re: First Notice of Public Hearing: Wednesday – November 13, 2019**

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The Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response will conduct a Public Hearing on **Wednesday, November 13, 2019 at 3:00 pm** at the Public Hearing Room of the Guam Congress Building in Hagåtña, Guam.

Testimonies will be accepted and heard on Bill No. 53-35 (COR) An Act to Add a New § 63101 (dd) Chapter 63 of Title 5, and to Add a New § 63116.3 to Chapter 63 of Title 5, and to Amend § 63129 of Chapter 63, All of Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing with the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam.

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The Public Hearing will broadcast LIVE on local television (GTA Channel 21, Docomo Channel 117/60.4) and stream online via i Liheslaturan Guåhan's live feed. Written testimonies may be hand-delivered to the Office of Senator Clynton E. Ridgell at 238 Archbishop Flores Street, Suite 906 – DNA Building, Hagåtña, Guam 96910; sent via email at sen.cridgell@teleguam.net; or sent via fax at (671) 475-4768.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact Angela Santos at (671) 475-4983 or via email at sen.cridgell@teleguam.net.

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Si Yu'os ma'åse',

Erin M. Grajek

The Office of Senator Clynton E. Ridgell
238 Archbishop Flores St.
Suite 906
Hagatna, GU 96910
671-475-4983

Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response

2 attachments



2019-11-5 FIRST NOTICE of Public Hearing on Bill No 53-35 (COR) - November 13, 2019.pdf
195K



Bill No. 53-35 (COR).pdf
897K



Clynton E. Ridgell
Senator - 35th Guam Legislature
*Committee on Economic Development, Agriculture, Maritime Transportation,
Power and Energy Utilities, and Emergency Response*

FOR IMMEDIATE RELEASE

November 5, 2019

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Clynton E. Ridgell

Re: FIRST NOTICE of Public Hearing on Bill No. 53-35 (COR): November 13, 2019

The Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response will convene a Public Hearing on Bill No. 53-35 (COR). The hearing is scheduled for Wednesday, November 13, 2019, at 3:00 pm and will take place at the Public Hearing Room of the Guam Congress Building in Hagåtña.

Testimonies will be accepted and heard on [Bill No. 53-35\(COR\)](#) - An Act to Add a New § 63101(dd) to Chapter 63 of Title 5, and to Add a New § 63116.3 to Chapter 63 of Title 5, and to Amend § 63129 of Chapter 63, All of Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing With the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam.

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Erin M. Grajek <egrajek@guamlegislature.org>

SECOND NOTICE of Public Hearing on Bill No. 53-35 (COR)

1 message

Erin M. Grajek <egrajek@guamlegislature.org>

Mon, Nov 11, 2019 at 10:01 AM

Bcc: phnotice@guamlegislature.org, Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>, nic.rupley@epa.guam.gov, whitney.hoot@bsp.guam.gov, patrick.keeler@bsp.guam.gov, bjacruz@guamopa.com, davehayner@vcsgllc.com, diveonguam@gmail.com, lee@mdaguam.com, mguam2012@yahoo.com, malessosurfer@hotmail.com, onebreathdiver@gmail.com, marinemaniagwhs2019@gmail.com, gabejereza@gmail.com, lindian@teleguam.net, melanie.blas@gmail.com, marieauyong@yahoo.com, jcb_96932@yahoo.com, amvloerzel@gmail.com, jondeloso@gmail.com, marybelle.quinata@gmail.com, ecowarriorsguam@gmail.com, micronesianconservation@gmail.com, tdnbroker@gmail.com, gfca@ite.net, aebenavente@gdoe.net, ceharuo@gdoe.net, serasimus@hotmail.com, brent.tibbatts@gmail.com, timrock@doubleblue.com

MEMORANDUM

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To: All Senators, Stakeholders, Media**From: Senator Clynton E. Ridgell****Re: Second Notice of Public Hearing: Wednesday – November 13, 2019**

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The Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response will conduct a Public Hearing on **Wednesday, November 13, 2019 at 3:00 pm** at the Public Hearing Room of the Guam Congress Building in Hagåtña, Guam.

Testimonies will be accepted and heard on Bill No. 53-35 (COR) An Act to Add a New § 63101 (dd) Chapter 63 of Title 5, and to Add a New § 63116.3 to Chapter 63 of Title 5, and to Amend § 63129 of Chapter 63, All of Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing with the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam.

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Si Yu'os ma'åse',

Erin M. Grajek

The Office of Senator Clynton E. Ridgell
238 Archbishop Flores St.
Suite 906
Hagatna, GU 96910
671-475-4983

Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response

2 attachments



2019-11-11 SECOND NOTICE of Public Hearing on Bill No 53-35 (COR) - November 13, 2019.pdf
185K



Bill No. 53-35 (COR).pdf
897K



Clynton E. Ridgell
Senator – 35th Guam Legislature
*Committee on Economic Development, Agriculture, Maritime Transportation,
Power and Energy Utilities, and Emergency Response*

FOR IMMEDIATE RELEASE

November 11, 2019

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Senator Clynton E. Ridgell

Re: SECOND NOTICE of Public Hearing on Bill No. 53-35 (COR): November 13, 2019

The Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response will conduct a Public Hearing on Bill No. 53-35 (COR). The hearing is scheduled for Wednesday, November 13, 2019 at 3:00 pm and will take place at the Public Hearing Room of the Guam Congress Building in Hagåtña.

Testimonies will be accepted and heard on [Bill No. 53-35\(COR\)](#) - An Act to Add a New § 63101(dd) to Chapter 63 of Title 5, and to Add a New § 63116.3 to Chapter 63 of Title 5, and to Amend § 63129 of Chapter 63, All of Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing With the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam.

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Clynton E. Ridgell

Senator – 35th Guam Legislature

*Committee on Economic Development, Agriculture, Maritime Transportation,
Power and Energy Utilities, and Emergency Response*

Public Hearing

3:00 pm

Wednesday – November 13, 2019

Public Hearing Room · Guam Congress Building

Hagåtña, Guam

AGENDA

The Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response will conduct a Public Hearing on Wednesday, November 13, 2019 at 3:00 pm at the Public Hearing Room of the Guam Congress Building in Hagåtña, Guam.

Testimonies will be accepted and heard on **Bill No. 53-35 (COR) An Act to Add a New § 63101 (dd) Chapter 63 of Title 5, and to Add a New § 63116.3 to Chapter 63 of Title 5, and to Amend § 63129 of Chapter 63, All of Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing with the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam.**

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Clynton E. Ridgell

Senator – 35th Guam Legislature

Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and
Emergency Response

PUBLIC HEARING SIGN-IN SHEET

Bill No. 53-35 (COR) Introduced By Sabina Flores Perez, Clynton E. Ridgell, and Tina Rose Muña Barnes – An Act to Add a New § 63101 (dd) Chapter 63 of Title 5, and to Add a New § 63116.3 to Chapter 63 of Title 5, and to Amend § 63129 of Chapter 63, All of Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing with the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam.

Wednesday, November 13, 2019 · 3:00 pm

NAME	AGENCY/ ORGANIZATION	PHONE NUMBER	EMAIL ADDRESS	TESTIMONY	POSITION
TED NELSON	FISHERMAN	777-1997	tdnbroker@gmail.com	<input checked="" type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
FELIX RIZALES	LI	483-1904	efesarose@yahoo	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Celestino Aguon	Agriculture Dept	735-0283	traguon@gmail.com	<input checked="" type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Collin Dre Borja	Marine Mania	858-0219	collin67iguam@gmail.com	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Johnny "Araki" Taitano	SELF	4725161	_____	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Brent Tibbitts	DAWR	735-0289		<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Matthew Orot	Fisherman	687-7614	matthew.orot@gmail.com	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Thomas Flores	Agriculture	7350281		<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Rhoda Basto	Agriculture	735-0281		<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Christianna Ebio	Marine Mania	689-2559	christiannaebio@gmail.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
BOY BRAUN		688-0100	Tasi Brauns@yahoo.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose



Clynton E. Ridgell

Senator - 35th Guam Legislature

Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response

PUBLIC HEARING SIGN-IN SHEET

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Wednesday, November 13, 2019 · 3:00 pm

NAME	AGENCY/ ORGANIZATION	PHONE NUMBER	EMAIL ADDRESS	TESTIMONY	POSITION
Kathy Brown		688-0644	tasitours@yahoo.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Victoria F. Manly	660 Learris	767-4900	attention186@gmail.com	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Nyssa Galante	Marine Mania	487-4149	nyssagalante@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Sara Hamilton	Underwater World	787-8940	sara@equiumteam.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Luis F.M. Cabral II		727-2912	lmcabral2@gmail.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Jacklyn Quintanilla	VOG	864-9661	jacklyn.quintanilla@yahoo.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Mallory Morgan	BSP	689-9321	mallorymorgan32@gmail.com	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Davianara Sese	Marine Mania	929-3253	sese-davianara@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Marcy Gility	Marine Mania	482-3756	marcylindagility@gmail.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Roman L. Edguitan	Fisherman	477-1426		<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Maria Kottmar		685-6686	maria.kottmar@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose



Clynton E. Ridgell

Senator - 35th Guam Legislature

Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response

PUBLIC HEARING SIGN-IN SHEET

Bill No. 53-35 (COR) Introduced By Sabina Flores Perez, Clynton E. Ridgell, and Tina Rose Muña Barnes – An Act to Add a New § 63101 (dd) Chapter 63 of Title 5, and to Add a New § 63116.3 to Chapter 63 of Title 5, and to Amend § 63129 of Chapter 63, All of Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing with the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam.

Wednesday, November 13, 2019 · 3:00 pm

NAME	AGENCY/ ORGANIZATION	PHONE NUMBER	EMAIL ADDRESS	TESTIMONY	POSITION
Jennifer Weir	MCC	483-3565	weirj721@gmail	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Chelsa Muña-Brecht	DOPH	3007968	chelsa.munabrecht@doag.gu	<input checked="" type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Cyrus Luke				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Leitani Sablan	MCC	488-8223	sablanleitani@gmail.com	<input checked="" type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Nathaniel Martin	DAWR	735-0291	nathaniel.martine@doag.gu	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Whitney Hoot	Guam Coral Reef Initiative	686-1699	whitney.hoot@bsp.guam.gov	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Chanul M. Salazar	Guam Fishermen & Boating Assoc.	486-2083	chanulmsalazar@gmail.com	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Monique G. Aman	Fisherman	747-6672	tasio8@yahoo.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Gabriel Jeroza	Marine Mania (club)	864-8200	gabjeroza@gmail.com	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Jean Pierre Estrellado	Fisherman Pacific Ark Aquatics	688-3364	serosimus@hotmail.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Shiran Veksler	Fisherman Pacific Ark Aquatics	483/1104	ShiranVeksler@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose



Clynton E. Ridgell

Senator - 35th Guam Legislature

Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response

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Wednesday, November 13, 2019 · 3:00 pm

NAME	AGENCY/ ORGANIZATION	PHONE NUMBER	EMAIL ADDRESS	TESTIMONY	POSITION
Julie Hartup	MCC	482-2961	mccjuliehartup@gmail.com	<input checked="" type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Jon DeLoso	MACHALEK	483-7247	jon.deloso@smith	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Greg Ragerman	ref.	483-8091		<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Jay Gutierrez	Agriculture	735-0281/94		<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Manny Duran	Fishermen's Co-op			<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Nichelle	MCHA	998-2109		<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Robert Celestia	Self	688-7277		<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	? <input type="checkbox"/> Support <input type="checkbox"/> Oppose
Paul Pomes, DVM	Self	929-4848		<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Paul Villanueva	Self	747-3014		<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Robert Ross		688-2452		<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Patrick Atherton	Self	797-3675	malessosurter+h.m.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose



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NAME	AGENCY/ ORGANIZATION	PHONE NUMBER	EMAIL ADDRESS	TESTIMONY	POSITION
Rachel Jordan	MOMENS TEAM	998 2255	rachel-scottjordan@pwr	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Robert Hildebrand	Private	682-8890	office@dmr.guam.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support ? <input type="checkbox"/> Oppose
Lee A. Burgos	Private	727-6684	Lee.aguon.burgos@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Michael Orr	Private			<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Peter Houk	DJMM	675-2154	petehouk@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Felix T. Sasamoto	Private	687-9607	905-felix@hotmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Karen Valerie	Private	671-486-4272	kearnvalerie@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Kennedy Tatum	private	671-486-5150	katatum19@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Daeline Pangelinan	student	929-0597		<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Andre Adelle	student	488-3648	AndreAdelle@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Ashley Flores	Student	486-0127	floresashleyj@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose



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NAME	AGENCY/ ORGANIZATION	PHONE NUMBER	EMAIL ADDRESS	TESTIMONY	POSITION
Kyle Dahilig	VOG Green Army	777-7088	dahiligk1157k@gotritons.ug.edu	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Natasha Perez	VOG Green Army	929-5918	perezn12391@gotritons.ug.edu	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Alexander Gan	VOG	685-3311	xandnewgan@gmail.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Kristopher Conlu	VOG student	488-1197	krispy.conlu14@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Franklin Camacho	VOG student	(670)282-5165	flpcspn@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Sydney Prudente	VOG Student	929-5683	syprudente14@gmail.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Xavier Deguzman	VOG	487-1245	xavier.deguzman@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Michael Genereux	self	688 1376	mtoddg6@gmail.com	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Pei Valerio	GNW student	-	pei.valerio@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose
Jake Cabrera	GNW student	777- ⁵⁰ 6414	reklainjak@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
LUCIA ATIENZA	GNW STUDENT	858-5656	luchi.atienza@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose



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NAME	AGENCY/ ORGANIZATION	PHONE NUMBER	EMAIL ADDRESS	TESTIMONY	POSITION
Jonita Kerr	GCC EcoWarriors		jonita.kerr@guamcc.edu	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Vincent Laguana			vetlaguana@gmail.com	<input checked="" type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Ashley Castro	Micronesians Conservation Coalition		ashleypoma25@gmail.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Faron Taijeron	self		direongam@gmail.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Vangie Lujan	Self		Vangelujan@yahoo.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Ronald Laguana	self			<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose



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NAME	AGENCY/ ORGANIZATION	PHONE NUMBER	EMAIL ADDRESS	TESTIMONY	POSITION
Tim Rock	Citizen	929-1263	timrock@doublet.com	<input checked="" type="checkbox"/> Written <input type="checkbox"/> Oral	<input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Jon DeLosa	MACADAK	483-7247	jondelos@jmmh.com	<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Will Naden	Citizen	671-489-1423	spierfire@gmail.com	<input type="checkbox"/> Written <input checked="" type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
				<input type="checkbox"/> Written <input type="checkbox"/> Oral	<input type="checkbox"/> Support <input type="checkbox"/> Oppose



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Fwd: Legislation to ban use of scuba to spear fish at night.(written testimony)

1 message

Theodore Nelson <tdnbroker@gmail.com>
To: sen.cridgell@teleguam.net

Sat, Oct 5, 2019 at 9:42 AM

----- Forwarded message -----

From: **Theodore Nelson** <tdnbroker@gmail.com>
Date: Sat, Oct 5, 2019, 9:41 AM
Subject: Legislation to ban use of scuba to spear fish at night.(written testimony)
To: <office@senatorperez.org>

It has been almost 8 years that myself and my nephew Ron Laguana jr, Ron laguana Sr. and many others have tried to have our senators act on this issue to no avail. All documents, petition, research, etc.. have been pushed to one democratic senator to the other . I fished all my life and up to today see the drastic effect to our once sustainable, viable fish stock dramatically depleted. We are angry, frustrated, to see this being ignored by our senators and have alot of mistrust in this legislation being put out for a vote finally. I respectfully request as you are co-sponsor to this legislation it be brought to the floor for a vote by all senators and not be push aside like it has been done for years.

Respectfully
Ted Nelson

PS: please provide all senators a copy of my written testimony. My contact number is 777-1997, feel free to call me if you choose too regarding this matter.

477-1426

I. Introduce self Roman Edquilane

A. fishing experiences

B. benefits - initially gave away most of catch.

C. balance of nature \leftrightarrow fish pop. recoup.

- Didn't target all fish species of population.
- tend to leave females alone + smaller ones.
- rotated fishing grounds
 - on an as needed basis i.e. Low ^{Fish} #s
 - i.e. rough water and quarterly exp. east. coast was calm enough Summer time.

II Leads to question "Why Ban Scuba Fishing?"

A). IT'S ^{not} the type of fishing but how you do it! How you fish?

In regards to most prized Parrot fish & Lobsters

- We don't take Lobsters w/ eggs!

- We minimize taking fish w/ eggs by avoiding

- We don't eliminate the whole school. females.

We leave the females and they'll be more later in months to come;

- We don't use illegal fishing methods like TNT, chlorox or deris or some other harmful to the environment.

B. A Ban of Scuba-Fishing Is not the answer! It will be ~~of~~ ^{our} DownFall of fresh Local reef fish and knowledge of these areas fished with skills of very few scuba fisherman, which also will be lost.

100 B ~~other~~ other
~~Another~~ major consequence in the BAN
of Scuba Fishing is -

- ~~Other~~ ^{Other} island / other country Imports which
will be not as fresh / cleaned and most
likely increased in costs.

* example of unclean import

Did you know that mangrove
crabs ^{ALIVE} flavor in ^{ALIVE} and sold along Seafood
Stores on RT. 16 have very strong ammonia
smell. That smell comes from urine
added to keep the crabs ~~alive~~ longer.
ALIVE

Why Ban Scuba Fish. We Can
There's Need to Regulate! Avoid IT By Regulation

III

~~A~~. Invasive fisherman, not indigenous to Guam, have impacted the populations of reef fishes, crabs + lobster all around Guam's reefs from 2ft - 70ft.

They're not entirely to blame since Global Thermal warming has an effect on our Coral Reefs Decline, also excess runoffs.

However, They, "Invasive Fisherman," have impacted!

SRF
Exploit 2006 - 2016 at areas like Spanish Steps.

~~B~~. My brother-in-law is Chusker. he explained to me as he was my first boat man, that these "new (invasive) fisherman know what they're doing is wrong; but don't care since it is not their Island anyway." ; i.e. "clean out!"

Not only cleaning out the legal areas, but also in the preserves. My partner and I witnessed their 22ft? skills fishing off Achang Bay Marina just late last year 2018.

- Also, Piti Bomb hole preserve.

2008 - 2010 - IT had schools of large Tatataga and juvenile Atubong.

2014 - no Tatataga

2016 - no Atubong.

suspects → employees/ex of FishEye.

III ...

Need to Regulate Outsiders

(based on Impact study & Low Controversy)

C).

One of my old dive partners J.C., took his son diving/Scuba fishing out. The current drift was so strong, that, when he ended his dive he realized they had drifted into the preserve marker. They paid some fine, I believe, to keep their boat & fishing eqpt. However, when outsiders from FSM get caught "red handed," fishing in the preserve they're not subjected to our laws or any fines. I find this highly unacceptable. It is a double standard set against us

The Local Chamorros and it needs to be changed in Congress by ~~our~~ all our Law makers and Congress men.

- Some added Fuel for this ^{Fire} are
- Indigenous Rights - i.e. like Alaskan Eskimos
 - Impact Studies → on Pacific Island Reefs.
 - EO/EEO rights

Additionally,, History has taught us in pre-colonial times that fishing was highly regarded for each village & Islands' survival.

If someone was caught fishing out of their territory, it almost always ended in death.

Even now, If you want to fish in some other Island, you need to get permission from the village chief and you will be Regulated.



SEAGRILL RESTAURANT

November 13th, 2019

Reference: Bill No. 53-35

To: Honorable Sabina Flores Perez
Honorable Clynton E. Ridgell
Honorable Tina Rose Muna Barnes

Dear Committee Members,

My name is Sara Hamilton and I am the Curator of UnderWater World Guam. I would like to speak to you today about adding an amendment to Bill No. 53-35, providing educational, scientific, and research entities the ability to apply for a permit allowing them to collect animals on scuba for their educational needs.

Tumon Aquarium LLC, more commonly known on the island as UnderWater World, has had its doors open to the public for over 20 years now. We receive over 100,000 visitors a year, both international and local. UnderWater World's Educational Mission Statement is as follows: UnderWater World's education programs are designed to increase public awareness and knowledge of our planet's coral reefs, oceans, and the animals that depend on them. Through this we hope to promote individual responsibility and stewardship for the continued wellbeing of our environment.

UnderWater World provides thousands of international and local guests with the opportunity to see some of Guam's most amazing underwater animals up close. By promoting conservation through education via the use of dynamic and attractive exhibits we rely upon specimen collection using scuba. Many visitors and residents of Guam never have had the opportunity to see and experience the ocean life around them. By combining these exhibits with engaging signage, we strive to educate all our visitors on why we must protect our ocean resources.

Through our education programs we bring in 20-25 high school interns a year who also get the opportunity to work in the animal care area and learn about the animals and how we care for them. We currently have members on the animal care staff now who were former interns and fell in love with marine biology and the conservation efforts we strive to provide. Other interns have gone on to attend UOG to study biology with the hopes of becoming a future marine biologist. Last year we had 76 field trips and weekend tours and so far, this year we have had 88. We were even asked by a Japanese tour agency to create a special educational program about the importance of protecting sea turtles and coral reefs. Lastly, we participate in career days and outreach events around the island every year. As a company we also strive to give back to our local environment. We have partnered with many organizations to help with coral out planting projects, nursery cleaning, and in the past have even hosted SCORE workshops, which brought scientists and aquarists from other facilities to Guam during the

*1245 Pale San Vitores Road, Tumon, Guam 96913
UnderWater World: 671-649-9191/ Sea Grill Restaurant: 671-649-6637*



SEAGRILL RESTAURANT

coral spawning events. We work with the Division of Aquatics and Wildlife Resources (DAWR) and Wise Owl to rehabilitate injured sea turtles when they are found. We also participate annually in the ICC, not only as site leaders, but also as sponsors. The complete inability to collect animals on scuba would not only severely limit our ability to continue this practice of promoting conservation of Guam's ocean life through our education programs, but also take available funds away from our areas of conservation and environmental focus.

As a conservation minded company, UnderWater World agrees there must be changes made to help preserve our natural resources. As such, we support a ban on scuba spearfishing and collecting for export purposes. However, we ask for an amendment to Bill 53-35 allowing for educational, scientific, and research entities to be able to apply for a special permit allowing them the ability to conduct specimen collection on scuba for their facility's educational needs. The recommendations with this permit would include monthly reporting of all animals collected on scuba, as well as the location and depth of where they were found. We would also not be opposed to the permit including rules for restricted species, sizes, take limits, and/or times of year for collection of certain species.

Currently, UnderWater World uses scuba to collect animals 1 to 2x a month, depending upon weather, boat availability, and staffing. We collect on scuba only during the day at depths between 30-40 feet, utilizing small mesh hand nets. On average we collect around 60-80 animals per month on scuba. If our exhibits are in good supply, we halt collecting completely. We submit a report to DAWR (The Division of Aquatics and Wildlife Resources) each month listing the species and the amount collected. The animals we collect stay at UnderWater World for exhibit use only and receive the highest level of animal care from the moment of collection and throughout their lives at UWW. We also have a strict in house no take list that currently includes the ornate, oval, and reticulated butterfly fish; titan and yellow margin triggerfish; emperor and regal angelfish, soapfish, goatfish, longnose filefish, napoleon wrasse, any species of parrotfish, large grouper species, eels, seahorses, cornetfish, and trumpetfish.

There is a common saying among zoos and aquariums that people won't protect what they don't love, and they cannot love what they don't know. Nothing matches the bond people create with a living creature than seeing them in real life. I see and experience this every day when I walk through the aquarium and hear the excited voices of children watching the animals swim throughout the tunnel and when I see guests' eyes lighting up as they discover a fact they never knew. We acknowledge and agree a scuba fishing ban is necessary to insure the survival, and hopefully, the comeback of species such as the napoleon wrasse, bumphead parrotfish, and large grouper species. However, we humbly ask you consider our request for an amendment allowing for educational, scientific, and research entities to apply for a special permit allowing them to continue their necessary fish collection on scuba.

It is our hope that by engaging guests with our exhibits it will inspire an appreciation for our ocean, animals, and environment; ultimately encouraging them to support other conservation organizations and future efforts.

Hafa adai and good evening,

My name is Christianna Ebio, senior of George Washington High School, and Vice President of Marine Mania. I have created the online petition called "Sustain Fish Populations: Ban Fishing with Scuba" via Change.org. It states:

" In favor of Bill 53-35 to prohibit fishing with the use of scuba and other underwater breathing apparatus. Fishing with the use of scuba, especially at night, is contributing to the reduction of fish populations on Guam because many species sleep at night which makes them easy targets. This method of fishing also removes the depth refuge which often protects large females. Large females can produce 100 times more eggs than the smaller females.

The Tanguisson Wrasse (aka Humphead Wrasse) were valuable for dive tourism which provided a much greater revenue to Guam than the commercial fishing industry. However, many fish including the Bumphead Parrotfish and Humphead Wrasse have declined at an alarming rate and have all but disappeared from Guam's waters even with the establishment of marine preserves.

63 countries, states, and islands have banned fishing with scuba and other underwater breathing apparatus. All of our neighboring islands have enacted the ban: Saipan, Rota, Tinian, Palau, Yap, Kosrae, Pohnpei, and Chuuk. As a result of banning fishing with Scuba in American Samoa since 2001, populations of parrotfish have been recovering.

We, the people of Guam must protect and preserve of what we have left of our natural resources. This is not a restriction on fishing, but a step towards a more sustainable future."

We have 1,262 signatures as of 11:11pm last night. We are not saying that you cannot spearfish, you CAN, just **NOT WITH SCUBA GEAR! Free divers can spearfish.** Think about it, when you're down there, you stay as long as your oxygen tank runs out. You will kill every fish that is insight. "I can tell you, without a doubt that overfishing can lead to an ecosystem collapse. Climate change and erosion already put enough stress on Guam's coral reefs," says Shari Bush who has obtained a degree in Environmental Science. "We don't need to dive to kill, we need to dive to heal," says Arie Ritten, a citizen who has signed and commented on our petition.

Our marine life play a huge role in our history and beauty of the Island of Guam, we are known for our waters. Many tourists come to see our coral reefs! Fish keep our reefs healthy and vice-versa. Without any fish, our reef would die, Guam's tourism economy would be greatly affected, and part of our culture, the CHamoru culture is to fish using the talaya, our ancestors didn't use oxygen tanks. People are still able to use the talaya, rod and reel, scoop net to name a few. There was a reason why the other 63 countries, states, and islands have banned fishing with scuba gear. For example, take a trip to Palau. Palau has vibrant, healthy corals with abundant fish. In fact, Palauans have some of the highest per capita fish consumption compared to other regions in the Pacific, yet they have an abundance of fish. Again, we are **NOT SAYING TO STOP SPEARFISHING**, but to not spearfish with scuba gear and to help preserve what we have left and to save it for the future generations to enjoy the beautiful waters of Guam. My name is Christianna and I hope Guam will be the 64th!

To the Honorable Senators of *i Liheslaturan Guåhan*:

As the Coral Reef Resilience Coordinator for the Government of Guam, I would like to present some of what I know about SCUBA spear fishing. I hold a Masters degree in conservation biology and am currently pursuing a PhD focused on coral ecology. I have been working in coral reef management on Guam for four years.

SCUBA spear fishing, which has been banned in dozens of locales, including Saipan, Tinian, Rota, Palau, and the FSM, is an intensely destructive fishing method that threatens the future of Guam's fisheries and our coral reef ecosystems. A study published in 2006 found that a complete ban of SCUBA spearfishing, paired with effective enforcement, is the single most important intervention needed to manage fisheries.

In 2012, research conducted on the Great Barrier Reef showed that spearfishing significantly reduced the density and average size of the leopard coral grouper over a short five year period. Removal of large fish from reefs creates a problem for reef fish reproduction as large females spawn significantly more eggs – often exponentially more – than smaller fish. These large fish ensure that there is enough reproduction to maintain fish stocks over time. Large-bodied fishes – including the bumphead parrotfish, the Napoleon wrasse, and many groupers – are now rare on Guam's reefs. This decline has been attributed to heavy fishing pressure, including SCUBA spearfishing. The loss of these fish also has implications for the continued success of tourism on Guam, as willingness to pay studies have found that divers and snorkelers will spend more to visit locations that have more fish and larger fish, especially charismatic species like the bumphead parrotfish.

In 2014, a study conducted on Guam and in CNMI, where SCUBA spearfishing has been banned since 2003, found that SCUBA spearfishing decreased the abundance and size of important herbivorous fishes, including parrotfish, surgeonfish, and unicornfish. Herbivorous fish are vital for coral reef health as they eat algae that can outcompete the growth of corals. Additionally, excessive algae on reefs can impact coral reproduction, as young corals need clean substrate on which to settle and grow.

Between 2013 and 2017, Guam lost 34% of live coral on shallow reef slopes island-wide, 60% of live coral on eastern shallow slopes, and 37% of coral on shallow reef flats. This intense and devastating loss is largely attributed to the severe coral bleaching that we experienced in 2013, 2014, 2016, and 2017.

Unfortunately, due to climate change, coral bleaching events are expected to increase in both frequency and intensity. Guam is predicted to experience annual coral bleaching by the middle of this century, although this may in fact occur sooner. Healthy populations of herbivorous fish, which are targeted by SCUBA spearfishing, are vital to the ability of our reefs to recover after coral bleaching events. After corals die, their skeletons are quickly overgrown with algae. ~~Herbivorous fish are needed to eat this algae and make space for new corals.~~ Without ~~this~~ herbivory, no new corals will restore the habitat needed to support fish populations, creating a destructive feedback loop. We must ban SCUBA spearfishing if we want to increase the resilience of our reefs to climate change and ensure their survival into the future.

The same 2014 study from Guam and CNMI also found that SCUBA spearfishing on Guam is removing the depth refuge for commercially important fish species. SCUBA spearfishing uses compressed air so fishermen can reach deeper depths than are accessible by breathhold divers and remain underwater for longer periods of time. ~~Other fishing methods are restricted to shallower waters, meaning that deeper fish populations are less affected. SCUBA spearfishing can target these deeper fish, thus removing the ability of these deep fish stocks to repopulate shallower reefs.~~ This fishing practice is not just damaging for reefs, it's damaging for ^{Guam's} ~~our~~ fishing community as well. The catch per unit effort for this method – or the amount of fish that are caught per piece of gear per hour – ~~for this method is far~~ greater than any other type of fishing on Guam, ~~thus~~ this practice is harming our fisheries and those who depend on reefs for sustenance. All others are at a disadvantage compared to SCUBA spearfishing, especially as this practice is causing so much decline ⁱⁿ our fish stocks.

Fishing methods have evolved with time and become highly efficient. ~~The use of SCUBA spearfishing is too effective – it allows too many fish to be taken from the reefs too quickly and indiscriminately.~~ This fishing method has been banned in so many countries because people noticed huge declines in fish populations after the introduction of this technique. Furthermore, the destructiveness of SCUBA spearfishing is compounded when this activity goes on at night. At night, many fish are sleeping and thus much more vulnerable to capture. ~~Parrotfish build a mucous cocoon around their bodies at night while sleeping to protect themselves from predators. Unfortunately this adaptation does not protect them from SCUBA spearfishing.~~

Guam's marine preserves are working by providing young fish to repopulate our reefs, however not enough of these fish are surviving to reproduce as they are extracted before reaching adulthood. Surveys conducted in 2011 and 2017 showed that island-wide, total fish biomass declined by about 50% during THIS seven year period. This number should be cause for great concern. Although our reefs face other stressors – such as pollution – there is no scientific evidence that land-based sources of pollution are the cause for this severe and sudden decline of our fish stocks.

~~Banning SCUBA spearfishing is an important forward~~ We must better regulate our fisheries and prevent this destructive fishing method from further damaging our reefs and our communities. Without action, future generations will not have the privilege of experiencing the beauty and benefits of Guam's coral reefs. Without action, Guam's reefs will no longer be able to provide the vital services they give to the people of Guam and visitors to our island: fisheries, coastal protection, cultural experiences, and support for tourism. Without action, we are letting our precious, unique, and highly valuable coral reefs slip away. I urge you to support Bill 53-35 as it represents a crucial step toward the better protection of Guam's coral reef resources. ~~To protect our coral reefs – these beautiful ocean places that are losing out around the world – we must act now.~~ Our island depends on our reefs – and now, they are depending on us.



Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lt. Governor

Department of Agriculture Dipårtamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913



Chelsa Muña-Brecht
Director

November 13, 2019

Senator Clynt Ridgell
Committee on Economic Development, Agriculture,
Maritime Transportation, Power and Energy Utilities,
and Emergency Response
35th Guam Legislature

RE: Letter of support for Bill 53-35

Håfa Adai Honorable Senator Ridgell and Committee members.

The Department of Agriculture would like to express its support of Bill 53-35, that would prohibit the use of self-contained underwater breathing apparatus and other like devices, when spearfishing. The activity, when combined with fishing, is likened to unregulated harvesting of the marine resources. Quite simply, technology is outpacing Mother Nature. Fishing while breathing underwater is too efficient to be sustainable.

SCUBA spearfishing often targets reef fish, many of which are herbivorous fish, which play a vital role in maintaining reef health and resilience by moderating the balance between algae on coral in reefs. Maintaining herbivore populations is crucial for the future of Guam's corals, which have been badly damaged by climate change and local impacts, such as erosion and pollution.

HISTORICAL DATA

For the ten years between 1995 and 2005, most, if not all, SCUBA fishers allowed Agriculture's staff to identify and quantify their catch at the three public boat ramps; but in 2006 a select group of commercial SCUBA fishers began to decline to be interviewed.

the SCUBA spear fishery has been around as long as Agriculture has been conducting boat-based creel surveys. However, the method began to significantly increase in 1995. SCUBA fishing trips were estimated to be less than 400 in 1993, but doubled within two years. SCUBA spear trips increased to a maximum of 1,200 trips in 2000. Several trends have been observed with the SCUBA fishery which point to the fishery as being unsustainable.

Director's Office 300-7968 | Agricultural Dev. Services 300-7973 | Animal Health 300-7965
Aquatic & Wildlife Resources (DAWR) 735-0294 | Forestry & Soil Resources 300-7975
Plant Nursery 300-7974 | Biosecurity Division 475-1427 | Pest Hotline 475-7378
Website: doag.guam.gov

REPORT THREATS TO GUAM'S NATURAL RESOURCES 864-TOKA (8652)

the amount of reef fish harvested from SCUBA began to significantly increase, beginning in 1995, with their catch almost tripling from 12.5 metric tons to 34.5 metric tons in that one period time. SCUBA spear catch peaked in 2000 with a harvest of 52.4 metric tons. Between 1995 and 2005, SCUBA catch ranged from 15 metric tons in 2005 to 52 metric tons. Free divers, however, although having up to three times as many fishing trips, only harvested between 6.8 metric tons and 33.7 metric tons. The average quantity of fish a SCUBA fisher caught ranged from 3 kg/gear-hour to 7 kg/gear-hour, while a free diver most often caught less than 2 kg/gear-hour and as low as 1.02 kg/gear-hour.

Iconic reef species such as large Napoleon wrasses, locally known as the tanguisson, (2.1 metric tons in 1999), large saddleback groupers (1.8 metric tons in 2000), and large giant trevally began appearing in catches in large numbers. These species were caught almost exclusively by SCUBA spearing. These fish, however, were mostly absent in free diving spear catches. After 2005, these species were rarely encountered during fish surveys, and have not been observed in the last three years, 2015 to 2018.

CURRENT DATA

A NOAA 2019 Stock Assessment of Guam Coral Reef Fish (Nadon), the most recent study conducted, identified a noticeable drop in Guam's reef fish biomass. Marc O. Nadon (2019), of the Pacific Islands Fisheries Science Center (PIFSC) National Marine Fisheries Services (NMFS) conducted single-species assessments of 12 reef-associated fish stocks around the island of Guam, using data from various sources focusing on 2013-2017 period. Data for the study was garnered from Guam's fisheries community, such as divers, commercial and recreational fishers' catch data, as well as life history studies. Four species, listed below, had spawning potential ratios below the minimum overfishing limit of 30% and another three species, parrotfish and emperor fish, were close to this limit.

- Longface emperor (lililok)
- Bluefin trevally (tarakitu)
- Blacktail snapper (kaka'ka)
- Redlip parrotfish (laggua)

This suggests that four assessed species may be experiencing overfishing and three others are close to experiencing overfishing. Many fish species that inhabit coral reefs around Guam are of great importance socially, culturally, environmentally, and economically. Reef fish directly impact fisheries as a valuable source of food for local recreational and commercial fishers, hold significance in the Chamorro culture, support the health of the natural coral reefs that protect Guam, and draw tourists to explore their underwater habitats.

Gillet and Moy (2006) found that banning SCUBA spearfishing is the most important regulation needed to effectively manage and conserve fisheries in the Pacific Islands.

Additional NOAA data shows that island wide, fish biomass decreased by about 50% between 2011 and 2017.

Lindfield et al. (2014) compared Guam to CNMI, where SCUBA spearfishing is banned, and found that SCUBA spearfishing on Guam is decreasing the abundance of herbivorous fishes and large fishes.

The data, with regard to reef fish biomass and the impacts of SCUBA fishing, that the department currently relies on is provided from outside sources.

RECOMMENDATIONS

1. Please consider amending §63116.3 Fishing with SCUBA (b) to read
"...empowered to issue citations for fines or community services provided to the Department of Agriculture."
AND
"...board any vessel or inspect any vehicle"

The process of adjudication through the court becomes time consuming and cumbersome for our Conservation Officers (COs), the department, and all those involved with enforcing Guam's laws.

2. Add §63116.3 (c) to make it illegal to purchase fish caught/harvested using SCUBA
3. Amend the legislation to include a three-year moratorium on night-time spearfishing, with or without SCUBA devices. I have personally brought up this issue on numerous occasions with local fishers, in meetings and community outreach. Each time, the group has been in favor of this. They see the impact overfishing is having on our fish biomass and they, too, want our ecosystem to heal. It is easier for COs to enforce if there should be no lights in Guam's waters at night, versus having to check on each light to make sure they are not SCUBA fishing. Additionally, fish sleep at night and it is easier to kill an entire school at when they are sleeping.
4. Work with our department to immediately introduce legislation to make commercial vendor reporting mandatory, with stiff penalties for withholding information or reporting false information.

The mandatory reporting will strengthen our ability to enforce this law, current laws, and laws we are seeking to amend.

5. I had a meaningful conversation with Mr. Manny Duenas. We discussed the option of 'limited entry permits', meaning the department would issue a limited

number of permits to those who are in compliance with specified requirements.
We are willing to explore this option further with your office.

WHAT IS NEEDED

For this legislation to work, the Department of Agriculture needs more Conservation Officers. The department currently has seven (7) COs patrolling island-wide in day shifts and night shifts, five (5) Marine Preserve Areas (MPAs) and, as dry season comes upon us, fire-prone savannah in southern Guam. They try to work in two shifts, but this is difficult. Senator San Augustin has introduced legislation to give us funding for four (4) more Conservation Officers. Our 2020 budget affords us the opportunity to hire two (2). This addition of six, should the new bill pass into law, will alleviate much of the stress and "overuse" our officers go through each day. However, it is still not enough. To function with full efficacy, we need a minimum of thirty (30) officers: we will gladly settle for twenty (20) at this point. Twenty (20) officers to run three shifts daily, patrolling the northern, central, and southern waters of Guam.

These MPAs were designed to be the replenishing source for Guam's reef fish. Analysis of data collected in the preserves demonstrates that the stocks were recovering. The fish stocks are beginning to recover. However, illegal fishing activities, also known as poaching, in the preserves have rendered the populations critical. As with Bill 53-35, the success of our preserves and the success of this ban will completely be determined by our ability to enforce. We implore you, we need more conservation officers to protect our natural resources.

We also need this bill, in some form, to pass into law.

Saina Ma'ase',



Chelsea Muña-Brecht
DIRECTOR OF AGRICULTURE



Charlene Flores <charlene@senatorperez.org>

Fwd: Scuba spearfishing

Office of Senator Sabina Perez <office@senatorperez.org>

Wed, Feb 27, 2019 at 3:20 PM

To: sabina@senatorperez.org, Charlene Flores <charlene@senatorperez.org>, Cyrus Luhr <cyrus@senatorperez.org>, Rick Salas <richard@senatorperez.org>

Begin forwarded message:

From: malessosurfer <malessosurfer@hotmail.com>
Date: February 27, 2019 at 2:35:37 PM ChST
To: "office@senatorperez.org" <office@senatorperez.org>
Subject: Scuba spearfishing

Senator Perez

Thank you for introducing this bill. I believe that I have actively spearfished on Guam longer than any one. 50 plus years. I have seen all the changes to the fish stocks since the late 60s I was a tank diver for more than 30 years. Since 1999 my friends, my family and I have only free dived for fish. If you need me to I would be happy to testify in support of your bill. The time has come to end spearfishing with tanks. I don't think anyone could explain what actually occurs on a night dive with tanks better than I could. And I am probably the one person they would have to listen to. It's all about respect. I am off island for the next 2 weeks competing in a spearfishing contest in New Zealand but would be happy to speak with you when I return.

Thank you again for making this effort You have a lot more support than you know

Pat Atherton

Sent from my iPhone



Julie Hartup
Executive Director
181 E. Marine Corp Dr.
Carl Rose Building 207
Hagtana, Guam
96910
671-482-2961
mccjuliehartup@gmail.com

Dear Guam 35th Legislature,

Nov.13th 2019

As executive director of **Micronesian Conservation Coalition** I submit testimony in support of **Bill 53-53 (COR)** in banning of scuba spearfishing and/or use of any fishing gear while scuba diving.

"It does not take rocket science to realize that we must ban the use of scuba with spearfishing" stated by **William Walsh** from **Hawai'i Division of Aquatic Resources**.

"Nearly all tropical countries (e.g., Philippines, Okinawa, New Caledonia, Galapagos, Palau, Yap, Chuuk, Pohnpei, Kosrae, Samoa, American Samoa, Tonga, Fiji, Solomon Islands, Northern Marianas, French Polynesia, Queensland Australia (Great Barrier Reef), Tahiti and the rest of the Society Islands, Vanuatu, Marquesas, Tuamotus, Gambier Islands, Austral Islands, Seychelles, Cocos Keeling, Mexico, Bahamas, Bermuda, Belize, Curaçao, Bonaire and most others) have banned the use of spearfishing with scuba because viable fisheries cannot be maintained if the removal of the breeding stock of larger fishes becomes too thorough. Spearfishing with free-diving (mask, snorkel and fins) is an honorable sport and a viable fishery can be maintained, but the added technology of scuba allows the fishers to be very effective in targeting sleeping parrotfishes at night and can be selective in targeting the larger fishes" (Walsh, 2013). Guam has very limited refuge habitat compared to other islands, there is no big lagoon system, limited mangroves and reefs that are in poor health from typhoons, coral bleaching, and pollution. Therefore to sustain the fish populations Guam needs to do all it can to put in effective management measures. Before 1970s the deeper reefs around Guam were a natural refuge since fishing was limited to freedive spearfishing depth. These deeper depths are often where the larger female and male fish reside. These larger fish are the ones that reproduce, producing offspring for the next generation. When all those areas are accessible to fishing pressures there is no place fish can grow large enough to reproduce effectively. Guam's Marine Protected Areas (MPA's) help, but are not enough to sustain the level of fishing pressure of Guam. In addition, **MPA's are meant to work in conjunction with other fisheries management tool such as gear restrictions or size limits. Guam has neglected to implement the most effective fisheries management tools which are gear restrictions or size limits.**

There are four different documents attached that are important pertaining to this bill. **First document**, is a review in 2006 of scuba spearfishing in Pacific Islands by Gilbert and Moy. Key points from this review pertaining to Bill 53-53 (COR): 1. "**complete ban of scuba spearfishing coupled with effective enforcement is the single most important spearfishing management measure**" 2. Spearfishing efforts must be managed with other forms of inshore fishing since restricting one method can easily be

transferred to different small-scale fishing methods. 3. Scuba spearfishing eliminates nature's environmental deep refuge sanctuary. 4. Most Pacific Islands have ban scuba spearfishing 5. Of all the countries banning scuba spearfishing **only TWO have adequate legislation.** "It is extremely difficult or impractical to collect the evidence required to prove conclusively in court that scuba was used to take fish (i.e. fishery officer underwater observing fish being speared by a diver using scuba). **A much better approach is to ban the possession of scuba and fishing gear in the same boat or car."**

Second document is a Background of Scuba Spearfishing by William Walsh from Hawai'i Division of Aquatic Resources in 2013. Walsh cited 29 different publications that address banning of scuba spearfishing as a key factor of fisheries management. Several of these cites mention Guam as an example of a collapsing fisheries, due to multiple factors but particularly due to no regulations, with a major pressure resulting from scuba spearfishing. **Fifty scientists, marine researchers, and resource managers testified in support of the Western Hawaii Banning of Scuba Spearfishing with zero within these professions testifying in opposition.** The third and fourth papers resulted from research done by Dr. Steve Linfield's for his PhD located here on Guam. In conjunction with a NOAA research vessel, Baited Remote Underwater Video were placed around Guam and CNMI. These videos underwater captured all types of fish species and sizes on video. **Research 1. Demonstrated how depth works as a refuge for larger fish 2. proved that there were less fish in the deeper waters in Guam than in the CNMI where SCUBA spearfishing has been banned.**

MCC supports Bill 53-53 (COR) but suggest that legislation include the banning of scuba diving equipment, and fishing gear in a boat or vehicle together. This is similar to California with the banning of scuba gear for abalone fishing, where equipment cannot be in proximity of abalone shells empty or with meat present. **By banning scuba equipment and fishing gear in proximity together in boats or vehicles, giving conservation officers the ability to enforce the law giving it the power it was intended to do.** This helps and aids and the Division of Aquatic and Wildlife Resources and conservation officers who are already undermanned.

Due to a big economic boom in the 1980's from tourism, an increased demand for fish by tourist, poor land management, increase in household incomes resulting in a rise of people able to buy boats, gas, and more advanced fishing gear, lack of gear and fish size regulations, no fishing licenses, lack of ability to enforce MPA's, and **scuba spearfishing** has created the perfect storm for the collapse of Guam's fisheries. It is not know just how many fishing markets have set up their own scuba spearfishing businesses because there is **NO licensing** method. However, at least five to six times a week coolers can be seen coming into the different docks.



These pictures were taken the end of April 2019 from boats coming in from Apra Harbor. With one cooler of blue lined surgeonfish, *Acanthurus lineatus*, or also called hiyok in CHamoru language is most likely from a fish spawning aggregation due to the high numbers. Fish spawning aggregations can be easily fished out in a very small amount of time, even faster with methods of setting nets on scuba. This is a big concern to MCC.

As quoted earlier:

"It does not take rocket science to realize that we must ban the use of scuba with spearfishing" stated by William Walsh from Hawai'i Division of Aquatic Resources.

We can preserve Guam's natural resources without losing the culture, food source and recreation, we just need to put in regulations that are smart and effective.

Si Yu' us ma'ase,

Julie A. Hartup

Julie Hartup

Executive Director / Micronesia Conservation Coalition

Project Leader / Manger | Manta Trust

julie@mantatrust.org | www.mantatrust.org | mccjuliehartup@gmail.com |

www.micronesianconservation.org

Attachments:

Gilbert and Moy Spearfishing in Pacific Islands

Background Paper on SCUBA Spearfishing William Walsh from Hawai'i Division of Aquatic Resources 2013

Lindfield et al. Mesophotic depths as refuge areas for fishery-targeted species on coral reefs

Lindfield et al. Depth Refuge and Impacts of SCUBA Spearfishing on Coral Reef Fishes



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Fwd: SCUBA Spearfishing Testimony by Leilani Sablan

1 message

LEILANI M SABLAN <sablanl9009@triton.uog.edu>
To: "sen.cridgell@teleguam.net" <sen.cridgell@teleguam.net>

Wed, Nov 13, 2019 at 5:29 PM

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From: LEILANI M SABLAN <sablanl9009@triton.uog.edu>
Sent: Wednesday, November 13, 2019, 2:24 PM
To: LEILANI M SABLAN
Subject: SCUBA Spearfishing Testimony

Håfa adai todos hamyu. Na'ån-hu si Leilani Sablan. I'm a local biologist, free diver, SCUBA diver, and more recently and still learning, a local spear fisherwoman. I speak today in support of Bill No 53-35 to ban fishing with the use of a self-contained underwater breathing apparatus (SCUBA) and similar devices in the waters of Guam or in any vessel in the waters of Guam. Spearfishing with SCUBA is a very efficient method for targeting reef fish in deeper waters. This poses a problem when we consider that deep depths serve as a refuge for fish, thus spearfishing with SCUBA threatens this refuge, a refuge that may help sustain fishery resources. A study conducted by Lindfield *et al* in 2014 illustrates the detrimental effects of SCUBA spearfishing on coral reef fishes. When compared to the CNMI - where SCUBA spearfishing has been banned since 2003, Guam showed reduce dominance of large-bodied herbivores and their declining average size, which is indicative of fisheries exploitation. In other words, we're seeing less fish and smaller fish here on Guam when compared to other places that have banned SCUBA spearfishing. The study also emphasizes the loss of key-stone species in our reefs due to SCUBA spearfishing, such as the giant bumphead parrotfish. The large size of the bumphead parrotfish makes them a valuable catch for island communities, while their habit of sleeping in the reef in groups makes them highly vulnerable to night-time spearfishing. During the 1980s, fishing for bumphead parrotfish on Guam took place at night using SCUBA. The catch was sold directly to hotels in the early morning, and was largely unreported. The surveys conducted in this study did not detect a SINGLE bumphead parrotfish in the southern Mariana Islands, a finding consistent with other studies that have collectively surveyed virtually the entire length of Guam's coastline. These large schools of over 100 bumphead parrotfish were commonly observed around Guam before the introduction of SCUBA spearfishing in the late 1970s. Now? Both adults and new recruits are rarely, if ever, observed.

All in all, the analyses of the data in this study clearly demonstrated that SCUBA spearfishing has had a long-term and ongoing impact on reef fish communities in Guam, particularly affecting large vulnerable species. If our brothers and sisters in the CNMI can ban SCUBA spearfishing to create a more sustainable future, why can't we here in Guam?

My only concern is how this ban will be enforced. It is difficult enough for conservation officers to enforce current laws, such as illegal fishing in MPAs, which I have witnessed COUNTLESS times with a heavy heart. We need more eyes watching and protecting our reefs. The only way ANY of our environmental policies can be effective is if we can properly enforce it. So senators, I hope there is a plan to increase enforcement on island in the near future.

I introduced myself as a local biologist, but I'm also just speaking out as a local who cares about her island and the resources that have provided for me, my family, and my ancestors. I want to live to see a day when the reefs of Guam are restored, and I don't have to fly in a plane to dive in places like Yap and Palau to see what a healthy reef looks like with TONS of fish. I want to be able to walk to the nearest beach, put on some fins, and see our marine life thriving right here in my island home. And I want this for my future children too, and for generations to come. So Yu'us ma'åse senators, for taking this step forward in a more sustainable future of Guam's marine life.

Leilani Sablan

Biologist (Research Associate I)

University of Guam Sea Grant

Mobile: +1 (671) 488-8223

sablanl9009@triton.uog.edu

November 13, 2019

Dear Senators and the People of Guam,

Over the last 30 years, I have watched our ocean change due to overfishing. I support banning Self-Contained Underwater Breathing Apparatus (SCUBA) fishing because I want my children to enjoy the same ocean I did as a child on Guam.

By the age of 10, I was accompanying my dad, Uncles, and god brother on their SCUBA spearfishing night dives as a boatman. I would sit on the boat and watch and wait for them to surface. I had a couple of jobs. One of those jobs was to help them load their fish onto the boat. They would have stringers and bags full of fish and if they had killed anything really large such as an Atuhong, I would help them pull it onto the boat. I was certified SCUBA at the age of 12 and then again at 15. I started SCUBA spearfishing with my dad once certified. I was around 19 years old when my dad said no more SCUBA spearfishing for our family. He was impressed by the Tahitian spearfishing team and how they dove and fished without tanks. Really, they showed us another way that allowed us to still spearfish but within reason.

Through time, growth, education, and I experience I have come to see the importance in conservation. I swim in the ocean at least three times a week. I see the difference in fish populations based on the location of my swims. GabGab beach, a military marine preserve, has an abundance of fish while a couple miles down in Agat, it is like a desert. There is little life and little fish.

I still spearfish. I am limited to the depth I can dive and my physical conditioning. I am able to catch enough fish to feed my family or share with my friends. I fish with discretion. My 10 year old daughter is now freediving with me. She is starting to spearfish. I am teaching her to be an ethical diver. It is so important for our future.

I believe this bill is a good start towards conservation and protecting our resources. Scuba spearfishing allows a hunter to stay underwater for longer periods of time. It gives an unethical diver more time to collect fish and an unfair advantage in hunter vs. prey. It allows the diver to target larger fish by accessing greater depths for longer periods of time. These larger fish are critical to the ecosystem and for reproduction of the species. We must do something to protect these fish.

There are other fishing methods that a detrimental to our fisheries population; I absolutely acknowledge that. For me, this is just a start. To create positive change we must start somewhere. Let this ban be the right start!

V/r, Rachel Jordan

998-2285

Testimony in Favor of Bill No. 53-35
by Michael "Todd" Genereux (life long fisherman)

Hafa Adai Senators,

Thank you for taking the steps toward helping our struggling oceans. Bill No 53-35 will no doubt help Guams' reef fish population, however, myself and many others, still believe that the best way to combat overfishing of our reef fish is to amend the bill to read "no spearfishing at night". The bill could read the same as hunting deer, 30 min. before sunrise and 30 min. after sunset. This way, the guys who collect aquarium fish or scientist that do research don't have to apply for special permits and tank divers don't feel singled out. I can tell you that the tank divers will not go out during the day to catch fish because it is not lucrative enough to make it worth their while. If they do, they will be at the same disadvantage as the rest of us and will realize what they have done all these years at night.

I highly recommend using the hearing from bill 53-35 to amend the bill to do the most good. If you try to introduce another bill after this one passes you will scare the fishing community into thinking there is no end to the regulations coming.

Hunters need a special permit to hunt at night. It's called a depredation permit and it's designed to protect their farm lands from animals. Why are we allowing people to depredate our fish all night and every night. Even though some claim to be selective at night, what happens when another group swims by the area your group just came from, they will catch everything you left behind.

Fish, big and small need the shallow to feed and take refuge at night. When I used to night dive, the parrot fish would hide in 1' to 10' feet of water so that predators would not get them. Sharks, eels and most pelagic fish hunt at night, so the fish need a place to take refuge. A ban on Scuba will make the depths a refuge which is huge, but the growing majority of free divers cleaning out the shallows at night is the biggest reason we are all coming forward to protect what little we have left and is something everyone agreed on the night of the hearing. The shallows are the areas most fisherman can safely practice their trade. From casting off the reef to training the new generations sustainable methods of catching fish during the day.

I heard a lot of people saying that, "The Manamko's" won't be able to get fish if they are banned. I just want you to know that daytime fisherman are some of the most respectful and generous fisherman out there. Most of the time, we only fish for food, If we happen to do good we share that fish with the community. We may, sell here and there, to pay for gas and gear. We also trade with other farmers, but majority is given away to friends and family. We all know that when "The Manamko" want or need fish, all it takes is a phone call. The community always knows who the fisherman are, that is something fishermen and women take pride in. When there's a party, rosary, reunion or just a barbecue, we get the calls requesting fish. I personally get the most enjoyment out of fishing, to help fulfill those requests. Not to mention, my wife always gives me permission when its for "The Mananmko."

Thank You for Your Time and Effort,

Michael "Todd" Genereux



Charlene Flores <Charlene@senatorperez.org>

Fwd: Scuba-spearfishing ban

Office of Senator Sabina Perez <office@senatorperez.org>

Wed, Feb 27, 2019 at 9:21 PM

To: sabina@senatorperez.org, Cyrus Luhr <cyrus@senatorperez.org>, Charlene Flores <charlene@senatorperez.org>, Rick Salas <richard@senatorperez.org>

Begin forwarded message:

From: Farron Taijeron <diveonguam@gmail.com>

Date: February 27, 2019 at 5:09:42 PM ChST

To: office@senatorperez.org

Subject: Scuba-spearfishing ban

Hafa adai!

I'm writing to inform you of my support of the bill to ban scuba spearfishing. However, I do have concerns, questions, and constructive criticism to help this bill be successful.

1. The bill doesn't explicitly protect non-fish marine life. "It is unlawful to take any fish with a spear or any other device used for the purpose of taking fish while scuba diving." The verbiage should be broader to include other methods aside from spearfishing and also include invertebrates such as lobsters or any other unanticipated non-fish marine life that may be affected. Might be best to expand to "scuba-fishing of all kinds" instead of limiting to spearfishing on scuba.
2. I would like to see an exemption for atulai fishing where a net is used and a scuba diver closes up the net.
3. I would like to see an exemption for research or rehabilitation purposes such as those conducted by UOG Marine Lab, Underwater World, and others. However, there must be a clear control system to prevent abuse by people who intend to harvest for sale and consumption but treat the exemption as a loophole to exploit. What that control process is, I leave to your expertise.
4. Under Section 4, there are about 9 lines relating to drift nets that come out of no where and doesn't seem appropriate for this bill if left as is. It should either be removed and saved for another bill or expanded so that drift nets and scuba aren't conflated as it stands now.
5. Because of the drift net portion, it's not clear what the full range of punishment is for scuba fishing. On that note, I'd state outright that all equipment to include but not limited to scuba equipment, spearfishing equipment, fishing equipment of any kind, and vessels used in commission of the offense may be forfeited.
6. Practically speaking, how is this going to be enforced? Will a law enforcement entity have to witness the offense first hand? Will a boat that returns with fish that was shot by speargun and scuba gear on board count? The fishers could truthfully or untruthfully say that they caught the fish while freediving then went fun diving on scuba afterwards. Or two boats could be fishing on scuba but they load all the fish and spear guns into one boat and all the scuba gear into the other boat. I highly recommend getting the input of the conservation officers and any other relevant bodies to inform this legislation's enforcement.
7. While I absolutely support the intent of this legislation, are we going to give it teeth to actually enforce it on a meaning full scale? Are we going to hire more conservation officers? I realize these questions may go beyond the scope of this bill. However I can't overstate how important it is we enforce the laws we already have and have enough people to do it.

Saina Ma'åse,

Farron Taijeron

Guam's only Freediving Instructor

"Why We Freedive" <https://youtu.be/XPLBr33KMaw>

Instagram: @The_Guam_Guy

PI, Thailand, Aus, Polyn, Seipan, Yap, Chuck
livelihoods

Atuhong - Yap - "gang" "intimidating"

Tanguisson - Australia - "pappy" "annoying"

Now ^{sea} atuhong here. less than 10 Tanguisson

~~we talk about livelihoods. what about mine?~~

Creel data until 2006 shows 100% of atuhong; 85% of tanguisson

~~70~~ 70 mosquito bites; backhanded; vulnerable

ban night ~~fine~~ fine fishing

~~many's~~ many's dismay I will have kids my offspring terrifying
want them to see.

real problem is population 60k-160k.

other impacts

least we can do → next steps

- regulate catch size sales

- ban commercial ^{sale of} speared fish

- fund C.O.s

- indigenous coastal ^{island} peoples not special

- traditional controls

Faron Tajeon
The-Guan-Guy

~~my livelihood~~

~~Creel data until 2006 100% of atuhong/tanguisson~~

~~60k~~

~~total 60k-160k~~

~~many I have kids~~

~~the impacts~~

~~steeping I got 70 mosquito bites at end of haul~~

~~no limit
sale~~

~~ban night ~~fine~~ fishing, backhanded, ban commercial sale of speared fish~~

indigenous rights/controls/not special

C.O.s

make it unlawful to possess speed fins
on vessel or vehicle with any fishing device
and X-ray gear

Hafa adai, my name is Vince Laguana and I am a Chamoru freedive spearfisherman. I have been freedive spearfishing since I was 10 years old. I started learning freedive spearfishing from my Father and my Uncles learning inside the reef in the shallows. My Father and my Elders taught me concepts of fish conservation such as only shooting what you are going to eat and selecting sizable fish as to allow the smaller fish to grow.

As I grew older and learned to fish outside the reef and in deeper depths, I gained experience and learned to observe fish characteristics and understand their roles in the reef ecosystem. I learned that the relationship between the fish, the reef and other marine life is a direct relationship to me as a free dive spearfisherman. For example, if there are high reef fish populations it means there is a healthy reef which in turn means food for me on the table. Sharing this knowledge, practice and tradition is key to having a sustainable fishing experience.

My friends and family all share the same love and interest in freedive spearfishing and would like to pass this knowledge and tradition to the future generations of Guam in order to promote sustainable fishing methods and conservation of Guams marine resources.

I am writing to the 35th Legislature to express my support of Bill 53-35 for the purpose of:

- Allowing reef fish populations to increase and to return to shallower depths
 - Throughout my years of fishing I have seen significant decreases in populations of palakse, lagua, tanguisson, atuhong especially in more shallow waters
 - These specific types of fish can be targeted by commercial SCUBA fishermen especially at night when they are sleeping and helpless
 - A healthier and more vibrant reef can attract more tourists especially if they are in shallow waters
- Aligning Guam regulations with the rest of the Pacific that have banned SCUBA fishing
 - If we want to know the effects of this Bill we can easily look to our neighboring islands in the Pacific such as CNMI, Palau, Phillipines, the FSM and many more that have all banned fishing with SCUBA
- Promote sustainable fishing methods so that generations can enjoy the same fishing experience
 - Freedive spearfishing is one of the most sustainable methods of fishing. It promotes healthy lifestyle and care for the ocean environment. Being able to share that with the future generations is something that we need to protect and promote

Commercial SCUBA fishing can be a damaging method of fishing especially if unregulated. This method of fishing can wipe out populations of specific fish species. Many SCUBA fishermen fish for profit which means the more fish they catch the more money they make. What this means for local freedive spearfishermen like me is less fish to be caught and deeper depths to get the fish.

I urge the 35th Legislature to approve this Bill in order to protect Guam's reef fish population and the reef ecosystem so that the future generations can experience themselves what a healthy reef ecosystem looks like.

I would also like to extend my support for other Bills to be introduced that will protect sustainable fishing practices, Native CHamoru fishing rights, fish conservation measures that can allow Guams fish populations to thrive and be more available to sustainable fishermen.

Thank you yan Si Yu'os Ma'ase'

November 23, 2019

Hafa Adai Chairman Ridgell

Background:

I am writing on behalf of myself, a private Guam Birth Right Citizen of the United States of America. For the record my comments do not represent the views of the Guam Fishermen's Cooperative Association in any shape or form. My name is Manuel Paulino Dueñas II, Grandson; of Manuel Mendiola and Ana Paulino Dueñas (Inarajan) and Lucas Lujan and Ana Leon Guerrero Castro San Nicolas (Hagatña). The eldest son of Manuel Paulino and Jane Rose Dueñas (Sinajaña). I was born on Guam and raised in the villages of Hagatña, Sinajaña and Inarajan with extremely strong Chamorro Values to protect our Natural Resources while providing for the community.

I have proudly served in the U.S. Army Reserves for nearly eight years coupled with recognition for Distinguish Service until I was told to make a choice between the U.S. Army and my civilian employer (Guam Community College). Sadly, feeding my family was a priority. I was an educator having worked with the Bilingual Program (three years), Special Needs Children (three years) and finally ending my Government Career with the Guam Community College as a Construction Trades Instructor in the High School, Post-secondary and Apprenticeship Programs (14 years).

Community Service:

Since the late 1970's, I have also volunteered for non-profit organizations; nearly 20 years with the Jaycees as a member also where I served as President for two Chapters and National Vice-President for the Guam National Chapter. Beginning with the University of Guam Jaycees then the Rainbow Jaycees. As my age neared retirement for the Jaycees (40 years age limit) I moved on to the Guam Fishermen's Cooperative Association where I have been President for the last 25 years continuing my service to the Community. Total active community service of over forty (40) years. "Service to Humanity is the Best work of Life", Jaycee Creed.

Fishing experience:

1960's:

As a youth in the 1960's, I would fish along the Greg D. Perez Marina Channel in Hagatña for atulai using fishing line or sewing thread on a glass bottle. I would fish the Hagatña River for tilapia with safety pins as a hook and by the mouth of the river for eels hiding under large rocks. I would harvest a gallon can full and sell it to the Filipinos

Barbers in the village. Probably the only time I ever sold a fish. My other fishing experience was going to the Farmers Market (where the current Hagatña Loop is located) to purchase certain fish for my grandparents who devotedly ate fish at least twice a week. Seeing the fish on display at the Market was interesting and educational as my grandfather would tell me the Chamorro names and how to select. He wanted the smaller ones I guess jokingly saying bigger ones ate people. Now, I reflect that probably he had witnessed fish eating the remains of the dead soldiers during the war; also, when typhoons would literally dig up graves and the bodies would end up floating in the water. As the rod and reel became available on Guam, I would fish for the juvenile trevally (i'e'e). I would fish for my Inarajan grandparents along the shoreline by the Inarajan Pool. I would also fish the Hagatña area for my Hagatña grandparents. I guess, unknowingly was kind of a village fisherman.

1970's:

In the 1970's, I accompanied deep water fishermen on their spearfishing excursions. One trip they caught a Napoleon Wrasse which fascinated me. They used Scuba and harvested using spear guns. I recall there were three spear rods on the fish which I estimated was at least 100 pounds. I have a photo of that fish with my two friends Martin Gerber and Anthony Sanchez. The fishers were screaming at me to get the fish on the boat because of the sharks. The Napoleon Wrasse was slimy as hell and with the three-pointed spears protruding, I managed to land the fish. We had a photo taken with the fish hanging. One of these fishers supporting the Scuba Ban was one of the two divers. They gave the fish to one of their friends. Later larger fish such as the atuhong were caught by the same group and their friends for the sport as I never witnessed them eat fish except the common large parrot fish. I tried to purchase a few but meat was too tough.

While I admired the harvest of large fish something did not feel right as I was raised to share any animal caught. I would kill a pig or cow and my grandmother would call the family and neighbors to share. At times I would see wild pigs numbering five or so, but my Tâta or Father would say "catch what you need." A lesson I still practice today. The ban on Scuba for the protection of free diving as a sport goes against the cultural grain. I feel one should not play with their food. Responsible harvesting to feed the community should always be the primary use of the resource.

1980's and 1990's:

The 1980's and early 1990's was when I had the experience with both free diving and scuba fishing. I experienced free dive fishing and it was difficult both day and night especially trying to harvest the fish my elderly grandparents liked as well as my immediate family and neighbors. Over the years of primarily scuba spear fishing, I had fished with over 40 scuba spear fishermen all for personal use. We limited our catch and effort. On occasion, one of the team would invite someone usually not local, upon realizing it was more a trip of competition we never would return the invitation. My personal attitude has not changed over the years. Greed was never part of my upbringing and will never change. The members of the GFCA would get a scolding worse than the likes of their parents at least back then.

For the record, as a free diver I don't have large fish to brag about since I felt it was a waste to time. I did catch a 10 lb. Orange Finned Emperor and a lobster the Castro Boys of Jinapsan said was the largest. In the Bottom Fish species, I caught an Onaga about 15 lbs. While out trolling, I caught a 441 lbs. marlin and a 115 lbs. yellow fin (by myself). I only have a picture of the yellow fin since I caught it with a hook injury to my thumb....to at least to document my wound.

Basic Fisheries Knowledge:

Just to share and demonstrate how I feel about excessive fishing. I recall a non-profit organization needed Onagas for Chef Fundraiser. They needed 400 pounds or about 30 pieces. I told them that regretfully we cannot provide this "*species of concern*". I had offered other abundant species, but they refused. Later I was informed they got their 400 pounds from a fisherman. I was extremely upset, while cordial I refuse to speak to this individual to this day. Interestingly is that this fisherman is part of the non-Chamorro coalition to ban Scuba and he had to be rescued by GFD earlier this year free diving the Eastside with other members of the anti-scuba coalition. Despite my personal feelings towards this individual, I personally gave Guam Fire Rescue guys fish poki for their effort. Be cognizant that GFD must travel the two long sides of the island to include the widest end to get to the Eastside about 4 to 6 hours being of being banged up one way.

Over the reef fishing Fatalities:

For the record, over a dozen free divers have met their fate while on the Scuba; there was one not certified and a non-local just in the last 20 years. There probably the same number of free diving deaths prior to this period, while none Scuba Fishing related. Most of the Scuba fishermen quit fishing primarily because it was a lot of work and expensive, we would get home when people are about to wake up. I really believe that the real reason but never admitted is that night diving has a pesky creature called a SHARK that would end any continued interest. Through the years, I too. had to end my Scuba Diving due to not having a fishing partner. Mr. Bill Taimanglo was with me on the last dive on his small boat. I believe he too had to quit because he was a School Bus driver and did not want to jeopardize his little passengers.

One of my dive partners, Dave Uson did not help matters since he enjoyed grabbing a shark, never more than five footers and follow beginners around. Further, in the over 500 dives during this period, I do not recall encountering any Department of Agriculture fisheries surveyor, so technically our numbers never collected hence the data is extremely poor. Perhaps we were never surveyed because we never targeted large fish and were averaging about 15 pounds or so. I really cherished fishing at night I could harvest fish my family desired and most importantly I make it home to my family.

Reality Check:

When I was active in the Scuba Fishery, there were nearly 200 Scuba fishers and by the time I left, I would say less than 30 who actively still fish with Scuba. Today that number has dwindled to promptly less than 20. Sadly, I was hoping the younger people would get involved in this community-based fishery. It requires hard work and dedication. This effort is best demonstrated in the Pelagic Fishery (Mahi, Tunas, Marlin

and so forth). Fishermen too often gripe about the lousy catch. Older fishermen leave the dock at 5am and return about 7pm. The younger fishermen leave the dock around 10am and return before sunset complaining of their poor catch. No matter how many times you tell them that there only two times of the day fish bite, which is either morning and evening and perhaps if lucky mid-day. **This group of Scuba Fishers that developed a small-scale commercialized fishery to provide the community should not be chastised but rather recognized for the most part have documented catch history. Data needed to make sound management decisions. No other reef fish fishery has provided such information and yet they are the target. The unknown should always be the priority.**

Fish Needed by the Community:

One must recognize as our villagers moved out of traditional fishing villages however the need for fresh local fish continues. The community should not be denied fresh local fish. If one would analyze the eating habits of the elderly especially as most have longevity. They ate fresh everything. Their chickens were small and tough while ours today are soft and the size of turkeys. We eat Vietnamese catfish raised in areas where advanced weaponry was used daily to the millionth degree during the Vietnam War. Today we have such effects just due to the military presence on Guam. The contaminated Cocos Lagoon, Apra Harbor and Orote Point not to include the Coral Reef radiation report showing a spike in radioactivity around Double Reef in the early 1960's. One must recognize that all the nuclear testing would affect our eastern seaboard not a protected western area such as Double Reef on the west side below cliffs.

Guam had a pre-contact population of 70,000. All the annual catch of fish landed could not feed them for a week. Reef fish alone would be a day. The Spanish said the Chamorros were robust, a nice way of saying fat. Imagine that with no cows, pigs or chickens; how was that possible? Again, if one adds all the annual catch of all fish one could surmise that we could not feed the pre-contact population of 70,000 people for a week. It is my contention that we have damaged our off-shore areas so bad that the essential fish habitat is gone.

A former Fisheries Master Fisherman, John Eads, with the SPC once stated that "Guam was once like the Hilton Hotel for fish; today we have become the Golden Motel." I always joked when people are in awe at the size of our fish even those from neighboring Islands. I would say we put Miracle Grow in the water. The reality is that Guam is but a pinnacle in the ocean, but we are on the "Finding Nemo" type passage due to prevailing ocean conditions. Recognize that the wind and currents come from eastern Micronesia passing through Guam. Understand that these fish migrate with the food. Floating plankton/algae feeders followed by the carnivores. In addition, our Island neighbors do fish over the reefs primarily because they nearly all have huge lagoons except for Nauru which has similar physical characteristics as Guam.

A true fisherman understands the vast complicated ecosystem. Many are extremely happy to see mañahak, atulai or tiaou for the simple fact that they always bring bigger fish. Bigger fish such as tunas scare the small fish into our shores. An octopus missing most of its legs is a sign the big Mamulan are around. In Hawaii an "Ulua (skipjack-Mamulan)

Tagging Program” which later included other fish demonstrated these fish travelled hundreds of miles with some nearly a thousand. Also be cognizant that large fish are mostly carnivores. I had suggested we needed to mirror the Uluva Project to Guam’s Aquatics Section with the help of willing Mr. Clay Tam Hawaii’s Project Manager however they were not interested. A green sea turtle project reported Guam’s the Marshalls as juvenile and forage in the Marianas with a few Homestead on Guam to lay eggs. If a large Bump Head Parrot Fish (Atuhong) consumes 5 tons of coral a year; imagine the food consumption by the much fattier Mamulan or even the Tangison. Again, many of our local people consume fish and are left to so-called fresh imported or frozen fish.

Fishing Effort Limits:

All fishermen are limited by moon phases, harvest areas as we let areas rest for weeks before we return. Weather also plays a major role. One could say during summer major fishing occurs, but the other nine months of rough waters is always major factor. The Weather Service reported that on average there are at least eight small craft advisories a month. Timing is often never good for fishermen. I would say on the average, four fishing trips out of ten are canceled due to partner no show, weather and boat failure are just a few reasons. Just to note, over the years the Guam Marianas International Fishing Derby has been postponed. Costing our organization and fishermen to suffer financial setbacks. During these times expenses still occur without compensation...a financial loss. Average Scuba diver spends about a \$100 for fuel and supplies plus another \$50 for the boat operator. A fisherman’s expense could double that in the pelagic fishery. Neither group has ever recovered from these expenses. One in five remains in either fishery after a few years.

Eastside Access:

Further after the construction and completion of the Ylig Bridge, which ended access to the eastern area. The east for over 10 years was only available to free divers especially the Yamaha Fleet numbering over 12 nightly. This is something local Scuba spear fishermen are unable to access. But according to Testimony they are the culprits. Testimony presented by a land owner on the East blamed Scuba Fishing. When I was made aware of this concern when access was available for Scuba Spear, I had requested the Scuba Divers not fish in the area of concern. Again, this issue of Scuba Fishermen still fishing in this area is false. However, the Yamaha Fleet was never hindered in their effort. Recognize that the inaccessibility to the Eastside coupled by the five Marine Protected Areas, contaminated areas and now the Military Firing Ranges. In addition, there is a Military Security “No Take” zones such as Apra Harbor and Tarague. Local fishermen are forced to the few remaining open areas as they always follow the letter of the law. Common knowledge is that the Yamaha Fleet are the true perpetrators.

Transferred Effect:

Impacts to the Eastside fish population is not due to Scuba spear however we feel there was one of the 12 boats possibly fishing with Scuba but since stopped when two were injured where one died. Banning Scuba will not address the over fishing issue, it would only serve as a diving board to encourage a transferred effect on effort. Transferred

effect occurs when one fishing group is regulated while the others are not in harvesting the same species. I recommended while on the Western Pacific Regional Fishery Management Council that we create a regulation limiting the size of vessels used for Bottom fishing for vessels over 50 feet to areas beyond 50 miles of Guam. There were four vessels meeting that criteria, even one owned by the GFCA. The intention was to level the playing field for long standing small boat fishery who would never be able to reach the future seamounts. This regulation prevented the "Transferred Effect" by large vessels. This is a rather poor example but probably the best shot of Banning Completely. Just factual note that these vessels were owned and operated by non-locally born individuals who chose to pillage our resources just like the Yamaha Fleet. Sadly, non-local small-scale non-fishermen have the same attitude of little consideration on Effort and guys supporting the Ban of Scuba. The double standard always amazes me.

The thought that ending night fishing would address the overfishing problem as it will only adversely affect the local fishermen who for the most part fish at night for reef fish as in the case of "Sulu". This Yamaha fleet will continue their carnage during the day where I personally have seen them use gill nets during the day just north of Urunao. A friend of mine sent me pictures of the parrot fish at one of the Yamaha markets with gillnet laceration around the neck of the fish. He told me he showed it to the Fisheries individual and they did nothing. Just as in the case of the free diver with a bragging video of illegal harvest of lobsters. I guess the law only applies to the local Chamorro Fishermen. What I find interesting is they support the Ban on Scuba with faulty data and would not enforce existing laws. Probably banning something is much easier than investigating or enforcement.

While many say one has one hour to pillage but where would you put the supposedly hundreds of pounds of fish. Most fishermen use a dive bag for their fish to preserve the appearance. The most a bag can hold is about 40 pounds of fish. Second is surface time is needed so you wait on the boat to decompress. If anyone is familiar with Guam's underwater topography, there are very few 60-foot fishing zones. The zones are normally zero to 30 or 40 feet then a cliff drop-off ending from 90 to 120 feet. My favorite fishing zone in Tumon was about 90 feet recognizing all scuba divers have a desire to go home. It is ludicrous to assume 60 for 60 feet probably 20 for 90 feet. Make your second dive again the most one can harvest is 40 pounds and is much more difficult since the desired fish are smaller and contrary to popular belief 90% of the fish do not sleep and the stinging ones are more difficult to bag as well as the ones with extremely sharp blades.

I, knowing their catch history perpetuate the true meaning of conservation. They do not harvest large fish only on occasion in the past when they could be tested for ciguatera. Of the 30 that were fishing then; there are probably a dozen today. Imagine an island feed themselves with a pre-contact population of 70,000 would be dead today if they had to survive with the catch of the Scuba Fishers. One could intelligently surmise that you would need at least 70,000 pounds of fish a day to sustain their robust figures. Funny that there was more scuba pear before 2000 but much more free divers today yet the same number of free divers selling fish is about the same. The rest are for sport and bragging rights. Later I joined my Uncle Roy Duenas on his boat bottom fishing and troll fishing.

Fishery Management:

As part of my responsibility to the community I took it upon myself to get involved in fishery issues. Happily, I major support from both the Legislature and the Governors. Governor Carl Gutierrez made me the Chairman of the Maritime Vision Committee. He had given the Guam Fishermen's Cooperative Association full access to the SPC (Secretariat for the Pacific Community) where their sustainable fishery development was invaluable. We were able to send our members to SPC training. Then, Governor Carl nominated me to the Western Pacific Regional Fishery Management Council where I served as vice-chair for most of my nine-year term, eventually becoming chairman on the regional and national levels then as overall chairman for the eight council entities. U.S. Fisheries, a person of color in charge...scary huh.

In order to continue my career as a Council Member as I was reappointed by Governor Felix Camacho. During this portion of my tenure, I was part of the discussions on the International Fishery Management regime, like you concerned about the health of the fish stocks. First with adamant encouragement from me and support of the WesPac Council, we attained a seat at the Commission table and became part of the Annual Catch Limits (ACL) scheme. 2,000 metric tons of Bigeye Tuna. Because of this allocation; 1,000 metric tons is conserved, the balance shared with Hawaii for a fee. Imagine little ole Guam allowing fishing to occur yet not affecting the bio-mass as Hawaii is in the healthiest quadrant for the fish stocks.

The U.S. negotiating team was adamant about not including the U.S. territories. In the end, we did more for conservation than any other Pacific Islands which has utilized its ACL. Oh, but they all Banned Fishing with Scuba. I have been complaining about marine debris from Purse Seine FADs for over ten years where they get stuck and damaged our reefs. I was informed by the WesPac Council that the Commission is finally addressing the matter. You see, it is our rapist fishermen that take time out from their greedy fishing to remove the 50-foot net tearing up and destroying our reef. I have yet to hear the environmental community do the same. Fishermen care for the environment more than anyone, for they only wish to perpetuate their cultural life style. There was an old television advertisement of a native American Indian with tears seeing the pollution surrounding him. The fishermen shed those same tears. While much of the discussion has been on the fish, very little concern was made on the Environment. I really think Hilton gets more tourism guest than the Golden Motel.

Governor Eddie B. Calvo also rendered huge support for Guam's fisheries by encouraging the Aquatics Division of the Department of Agriculture to provide funding to upgrade the conditions of the docks at the Greg D. Perez Marina from the sports Fish Restoration Federally Funded Program near one million dollars. The Port Authority of Guam received Fisheries money to up grade the Agat Marina Dock A, which is exclusively used by Large Vessel Tour Operators. In the 25 years, all the Governors have demonstrated strong support for Guam's Community based fishery. They

understood we are not commercialized by any sense of the word, certainly not the level of even our neighboring Islands.

Along with this Gubernatorial support, I was often asked by a passing Senator as to what they could do to help, and my only response was nothing just leave us alone. Sadly, the Environment Community always had the ear of a Senator. This Scuba Ban was not the only effort to blame a group of local fishermen for something. The Coral Reef Protection Act which had high and severe penalties for a boating mishap on the coral reefs is something unaffordable by any scale for the average boater. The possible loss of life and personal property should not be exasperated. Boaters generally do not intend to crash the reef unless it could possibly save the lives on board. I know of two incidents where on the maiden voyage, the vessel was completely lost. Accidents will happen as we see on the island's roads and lives are lost but we still allow cars, but the Government attach a five-year penalty.

Ban on shark finning despite that we do not practice finning laws should be created because of a need and not because it feels good. Such action portrays our fishing community as Lawless and callus fishermen. Anyways the Federal Government addressed this issue and now considering the complete Ban of the sale of shark fins, again something not practiced on Guam. The Shark Federal Regulations was created in the year 2000 and amended around 2010. We have always supported this Ban however the regulations were so difficult for the Foreign fishing fleet to comply with. The new regulations made it easier to comply however it was too little too late. The Foreign Fleet which numbered about 500 vessels was a three-million-dollar industry which provided over 300 jobs and offered our Island a steady supply of fresh tuna. Taiwan comprised the bulk of the fleet. They were the only responsible fishing vessels that landed the entire shark not just the fins. They utilized the entire animal. So, at the end they pulled out of Guam. The 2010 shark amendment was again a bit a little too late.

Recognize the increase in shark related incidents but this reality does not meet the feel-good criteria. Countless local residents have been attacked, eaten or their hooked fish eaten by the large numbers of sharks in our waters. Deep sea fishermen not only have to contend with the Yamaha Fleet but losing their catch to sharks.

The creation of the five Marine Protected Areas was supported by fishermen because they said it would bring back fish populations. During the Public Hearing I was personally lied to by the Committee. The group of about seven scientists said they wanted to protect the Coral Reefs, the Coral Reef Species and increase populations through a "Spill Over Effect". Being familiar with their concern I asked down to what depth they need to make it work? They all agreed on 30 feet. Depth was the only way to enforce the Preserve Boundaries since the contour changes quickly. I, knowing the characteristics of the Tumon coral reef area agreed to give this zone 60 feet to support the measure. Recognizing that some areas have drop offs around 40 feet while a few sloped to 60 before dropping off. Also, I requested that exemptions would be given to Seasonal Runs of mañahak, tiao and so forth using traditional methods.

Throw nets and scoop nets should have been allowed in order to perpetuate its cultural practice. Unfortunately, the final legislation disallowed the use of throw nets while standing in the water. One must recognize that every documented illustration or photo of the throw net fisherman had them standing knee deep in the water as any deeper it would be impossible to cast. One can only cast a throw net from the shore. Second is that scoop net was disallowed completely. Next the depth was changed to 600 feet, far beyond Coral Reef Ecosystem. Beyond the species are considered Bottomfish Management Unit Species (BMUS). I had to request for an exemption for the Charter Fishery and small boats to fish after the depth of 150 feet. Again, not a Coral Reef Depth.

Lastly, a whole slew of fish regulations was thrown in the mix that affected the entire Island. One is the taking of lobster by spear which is ludicrous when the lobster is in deeper waters (20 to 30 feet) as lobsters have long legs that clamp on the rocks or are extremely fast and elusive. I was told that is how they do it in the coastal U.S. I agree that that is how they do it addition to traps, but they forgot to recognize that they provide refuge areas. Since lobsters are nocturnal, hence do not sleep at night as they forage and as the sun rises, they seek shelter. The fishermen would lay tin or artificial shelters and return during the day and flip them over and the lobster is stunned by the sunlight and easily harvested as they are easily blinded. Recognize that the coastal U.S. has very little shelter habitat since it is but a flat shelf. It would be rather difficult to mimic actual coral reef shelters around Guam. Tons of hiding places for lobsters besides the next change of tide would kick the artificial shelter to deeper waters.

There are many things important in life: first is God, then Family, work and lastly is the Community. I was raised that the whole good or bad is the sum of its parts. Just like children they are important parts of the family unit when one is naughty one does not take them outside and kill them. Perhaps my view is a bit naïve, but we need to find a solution to the problem hence my personal concerns to what I describe as Draconian in its best form. This whole effort to hurt an extremely small group of fine old folks is mind boggling. Especially when every Senator is on the Band Wagon to ensure we get harassed and called names.

Now for the crux of this Legislation; Fact Check Outline:

1. The NOAA Federal Report used to scientifically demonstrate a need for the Ban. This report was deemed as “Not Scientifically Useable” for several reasons:
 - a. The report only used Proxies which in the general sense of the word to assume the thoughts of another individual in a decision. In this report there were two snapshot proxies used. The report was rejected by the Scientific and Statistical Committee *nearly 20 top Scientists from around the world) and eventually by the Western Pacific Regional Management Council. It is my understanding that NOAA was upset about the rejection. One must also understand that the use of Proxies is not in line with NOAA scientific Policy meaning only real data should be used. Be cognizant that the commercial landing data was not used in this report for it shows there were large fish harvested during this period.

- i. Visual Survey conducted by the NOAA research vessel not on a yearly observation but rather a probably two-week observation period.
 - ii. Creel Survey conducted by the Department of Agriculture CREEL Survey which is snapshot of fishing efforts through four days a month survey. Surveys are conducted between 6:00 am and 12:00 am. Despite small craft or no fishing occurring, the surveyor would still sit in their cars. I personally have never been interviewed in my diving or bottom fishing trips for that matter. Unlike the surveyors of the 1980's and 1990's with the likes of Rob and Wayne who actually measure and estimate the weight of the fish as compared to the new surveyors who only carry clipboards which leads to the question as to how one can report the size of fish and what is considered large.
 - iii. The report did not include real time commercial landing archived by NOAA Fisheries data.
 - iv. The report failed to analyze or take in account local issues pertaining to fish size. Recall again, Marine Preserves were created, Military Firing Range Closure Areas, Contaminated areas and so forth all during the time period used in the report.
 - v. Lastly, based on the concern for seafood one would not likely see a large fish harvested due to the fact there is no reliable way to test whether a fish is ciguatoxic from the Mamulan to Tangison. On the point of the Tangison there was an extensive study on their population along with the atuhong to place them on the Endangered Species Act, but no evidence was found to support their Listing. This was not even mentioned in the report.
2. Fishing with Scuba has been around since the 1960's. One of the Island's most respected fisherman was the late Albert Topasna. This group of fishermen have reported their catch through the years and are responsible fishers. No other coral reef harvesters have demonstrated the importance of reporting their catch. Knowing them all personally with was the pride of being able to fish in a sustainable manner and provide for those who have not. It was never considered a game or sport but a way of life. A few false statements made about the Local Divers mostly Chamorro:
- a. They go fishing every night is not true and their harvest records prove that which while confidential can be shared with your committee.
 - b. Fishing time 60 for 60 is completely false since Guam does not have a shelf, we do however have drop-offs usually 30 to 40 feet. On the top dropping on a cliff-like zones to 90 to 120 feet. Safe diving rules limits depth time.
 - c. Harvested fish is varieties-based meaning not a single type of fish is harvested. Variety in the harvest is often desired. Different fish for different people.

- d. I am further able to provide real time data the size and quantity of each fish harvest federally documented research for the last ten years.
 - e. Large numbers of participants. Again, I believe only about 12 still fish with scuba. After this Ban or the demise of these scuba fishermen there will be practically no fish for the People.
 - f. I urge this Legislature to discontinue this effort to Ban Scuba Fishing. Especially since the folks participating are Chamorro and should not be place in the same category as “Rapist”. The word used by non-Chamorros in support of the Ban. Base on clear observation the proponents of the Ban were mostly not born on Guam.
 - g. Lastly, the harvest by Scuba fishers is broken down as follows: 20% for family, 20% for the boat and boat man, 10% for gear and lucky if the balance provides a measly income of a hundred bucks to last sometimes a week before the next dive. As often said “if Scuba Fishing was so easy there would be a lot more doing it”. Again, the numbers prove such is not the case. This whole attempt demonstrates a “RACIAL BIAS” component. Scuba fishermen are 95% of Chamorro decent and supporters are not.
3. The recognition of the Banning of Scuba Spear throughout the Pacific really leads me to believe that has nothing to do with conservation but a feel-good exercise. I will give a few examples of why it is only a feel-good exercise. Having worked with people throughout our region they explain to me their fishing strategies which are as follows:
- a. For the most part 99% percent of the Islands have lagoons where fish has been traditionally harvested. As in the case of Pohnpei, from the dock to the reef it would take a 30-minute boat ride. No Island unit needs to venture beyond the reef.
 - b. Palau, until recently was offering the Napoleon wrasse on their menu. Green sea turtles are harvested in season along with fruitbat. Industrialized commercial fishing is still allowed as they are part of the U.S. South Pacific Tuna Treaty receiving millions. Guam does not have any industrialized fishery and barely a commercial fishery.
 - c. Chuuk State banned Fishing with Scuba, but they use explosives to harvest. Which they export to Guam, but no one cries foul.
 - d. CNMI banned Scuba fishing because H-2 workers were hired to dive for hours at a time with fatalities. Scuba was added to prevent further deaths. Saipan is still able to fish in the Lagoon. A free diver harvested two Napoleon wrasse in two weeks and was chastised by the environmentalist. Also, a free diver migrated to Guam and literally killed at least 50 pieces of egg bearing and undersized lobsters, but nothing came of it through enforcement. All bragged on a video. Makes you wonder how much damage he did in a scuba banned area just free diving. In the 25 years in the Co-op, never have I seen such an unconscionable harvest. Sadly, this video went viral and the harvest strategy was based on Scuba fishing to encourage people to sign the petition Ban.

- e. American Samoa also banned Scuba but mainly because a neighboring Island group was harvesting for export.
 - f. For the record, when I came on board in 1995 the GFCA prohibited the commercial sale and export of our reef fish. If you are a restaurant wishing for the prized resources, you must come down and purchase it like everyone else. We always believe the GFCA is an extension of the Community based fishery. Unlike one of the testifiers in support of this ban that would be able to serve reef fish or bottom fish in their restaurant as they are part of the network of professional free divers. They go deeper than anyone else and are in the competitive market. One could liken this exercise as an NFL team playing a high school team.
4. The true issue at hand has been the Highly Yamaha Commercialized Fishing Fleet. These fleet numbering over a dozen has changed our fishing landscape for the worse. The concerns are:
- a. These vessels were given to Chuuk for their fisheries development, but they end up on Guam to exploit for purely commercial harvest.
 - b. There are over twelve vessels.
 - c. They fish during the day mostly for tunas while a few will go free diving or gillnet setting for reef fish.
 - d. At night they convert to free diving with 4 to 5 divers per vessel. That means approximately 50 fishers “raking the reef”. Even my cultural upbringing prevents me from being more graphic in my description of bad fishermen unlike the supporters of the Ban who consistently call Chamorro Scuba Divers “Rapist”.
 - e. For the last ten years they are the true fishers of the eastside for they easily can run out of Pago Bay. This effort could have been limited if the Government issued restrictions in order to protect the environment. Local divers especially Scuba are unable to fish the eastside for ten years. However, there is an easier access to the elite proponents of the Ban controlled for their exclusive use.

Recommendation:

In closing, I must apologize for the length of this testimony despite it is less than what I wanted to present. I would let this Scuba Ban Legislation die in Committee. It has caused major friction while welcomed by the Environment supporters as they totally dislike fishermen. The Government should respect and support all fishermen and work with them to address real problems based on the testimony of nearly all the experienced fishermen they concluded that the problem lies with the effort of the Yamaha Fleet. I really feel we only need one requirement in the Law. “That Fishing Requirement should be U.S. Citizens shall have equal access to the Fisheries and non-U.S. Citizens through the charter vessel for hire be allowed to fish”. There are existing Laws which have same requirements. Examples are a Firearms Identification Permit. Coast Guard requirements for Captains beyond a Six Pack, U.S. Purse Seine Vessels must have a U.S. Captain and Engineer.

Should this Committee continue this effort I also suggest financial compensation for those who do not play with their food as done in other fisheries throughout the U.S. As it is said in Church it is only right and just. Thank you for time and consideration. Should you or the Committee members are in search of the TRUTH please feel free to contact me at 727-5440. Until then I remain,

Co-operatively yours,

Manuel P. Duenas II
Private U.S. Citizen



Charlene Flores <charlene@senatorperez.org>

Fwd: SCUBA Fishing Testimony (written)

Office of Senator Sabina Perez <office@senatorperez.org>

Wed, Feb 27, 2019 at 10:46 AM

To: Sabina Perez <sabina@senatorperez.org>, Cyrus Luhr <cyrus@senatorperez.org>, Charlene Flores <charlene@senatorperez.org>

Support for our bill

----- Forwarded message -----

From: **Ron II** <onebreathdiver@gmail.com>

Date: Wed, Feb 27, 2019 at 10:28 AM

Subject: SCUBA Fishing Testimony (written)

To: <sen.cridgell@teleguam.net>, <office@senatorperez.org>, <speaker@guamlegislature.org>

Hafa adai Senators,

My name is Ron Laguana II, a local CHamoru peskadot who practices all form of fishing techniques to provide as sustenance to my friends and family. I am thankful you all are reintroducing this matter of banning SCUBA fishing as I am in favor of Bill 53-35.

I was part of the original group of fisherman that met with Senator BJ Cruz and former Senator Rory Respicio on this matter. The bill was so controversial to many due to the fact that Manny Duenas at the Fisherman's Co-op did not support it and many look to him as the master of all fisheries Guam related. Little do you know, SCUBA speared fish is sold "commercially" to his store daily without any regulation such as sizes, limits, licenses... Parrot fish, Napoleon Wrasse, Humphead parrot fish are such a high demand here in the island so one way to fulfill that demand is to spear them at night while they are asleep. An entire school of parrot fish will sleep all in a line on the sea floor and you will be able to spear every single one of them to wipe out an entire school. Is that even sustainable? I don't think so.

I freedive/ spearfish regularly and yes like Manny says, "freedivers catch as much as night time divers". Some skilled freedivers sure can but!! Take a look at their catches! We freedivers have a variety of species not just herbivores like the infamous parrotfish. It is difficult to catch more than 5 pieces of parrotfish in a day dive. Now have a look at the night SCUBA spearfisherman's catches. A full cooler of an entire school of parrotfish and Tataga. Runoff and chemicals sure didn't kill those fish! This is not about freedive vs SCUBA. This is about a selective way of harvesting food while being conscious of the future fish stocks.

I wanted to note that there are some amendments that needed to be added such as not allowing SCUBA gear and spearfishing equipment on the same boat to assist with enforcement.

I applaud you senators for stepping up to the plate on this matter as you are probably already feeling the heat from both sides. It's been a tough battle for us and I'm glad it's back on the table and it's just the beginning of protecting our precious resources.

Si Yu'us Ma'ase
Ron Laguana II

From: Ron II <onebreathdiver@gmail.com>
Sent: Thursday, November 14, 2019 7:42 AM
To: sen.cridgell@teleguam.net; office@senatorperez.org; speaker@guamlegislature.org
Subject: Re: SCUBA Fishing Testimony (written)

Hafa Adai senators,

I was unfortunately off-island yesterday and was unable to attend the hearing, however I had watched the entire hearing online. There were many good points that should be added to the bill. I wanted to add a few things really quick to my testimony based on what I heard.

1. Issuing special permits to the Fisherman's Co-op is defeating the whole process of why we are attempting the ban. Manny Duenas is one big problem we face. If we allow and X amount of permits for him, his fisherman can do all the damage alone!! The Chuukese fisherman is another issue and this is not about race. I know a few of them and they have no regard for conservation and will fish until their boats are full. So yes, I agree with Manny on being a US citizen to fish in our waters. If special permits are issued, each individual fisherman needs to purchase a permit at \$1000 annually and be treated like a small business (business, license, taxes, GRT etc). The Co-op allows anyone to sign up and sell their fish without any business license. That's how convenient it is to commercial fish and the government loses out on every sale. Just for reference, one full 150 qt cooler of fish can sell for \$400 or more. Imagine 4 coolers full every night per boat!
2. Permits for aquarium fish should be allowed while using SCUBA. There should be a permit fee of \$500-\$1000 a year that they should be able to purchase (company, individual). It is unfair for them to be exempt from paying for a permit as a commercial business. If they are exempt, there could be a loophole for off-island businesses to enter Guam and capitalize on the opportunity. There's is a market for aquarium fish but only a few people are willing to go through the process of shipping live fish off-island.
3. Pat Atherton spoke about enforcement and the lack of man power. His idea of having a "reserve" for citizens willing to help assist with offenders is a great idea. Maybe a simple short course certification to become one and I can almost guarantee you we can get more than 15 fisherman to apply. That is a huge start because we have our own boats and we see other fisherman first hand.
4. The bill needs to be reworded back to Ban on SCUBA Spearfishing. The night time is the issue, however the daytime cannot do any damage to the fish stocks. To be honest, I only know a couple SCUBA day fisherman that attempt to catch fish. It is very difficult in the daytime as the bubbles scare fish away, so there aren't many of them.

Thank you for your consideration on this matter. I look forward to seeing the amended bill.

Si Yu'us Ma'ase,
Ron Laguana II

On Tue, Feb 26, 2019 at 2:28 PM Ron II <onebreathdiver@gmail.com> wrote:

Hafa adai Senators,

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I applaud you senators for stepping up to the plate on this matter as you are probably already feeling the heat from both sides. It's been a tough battle for us and I'm glad it's back on the table and it's just the beginning of protecting our precious resources.

Si Yu'us Ma'ase
Ron Laguana II

Hafa Adai Senators

In addition to my oral recent testimony to ban scuba fishing bill is as follows:

Commercial scuba fisherman Paul Villanueva, Roman Edcalani, Greg Perez, and I Jonathan Deloso met with Senator Sabina Perez in her office to discuss this issue. She promise to keep us informed and she will place our recommendations regarding this issue on her bill which she has not.

1. Similar catch regulations like we have now for lobster fishing, head size 3 inches for personal consumption, and 4 inches for commercial purposes. Lobsters cannot be speared must be caught by hand, if it has eggs it must be released. This same regulation can be implemented for fish as well.
2. No more fishing Tangision and Atuhon fish, which are trophy fish for free divers.
3. Protecting our fish preserves by giving all law enforcement officers authority to inspect and arrest violators.
4. Create check-in and checkout procedures at Agat and Hagatna boat basins for all fisherman to record their catch and inspection, the personnel are there already 24 hours a day. The fact is for rescue operations, the US Coast Guard is much reliable source and respond 100% than local officials.
5. Stop spending money on protecting deer and pigs make it open season all year, they are not indigenous to our island but destroy our farms crops and land which lead to erosion, thus killing our reefs, make our hunters take care of this problem. Make our village mayors in charge of this and put bounty's on bad hunters who burn our hills thus killing our reefs through erosion.
6. Inspect houses close to rivers and make sure their sewerage is not going into our rivers and oceans. EPA already know this, but nothing is happening.
7. Only US Citizens can fish in our waters.
8. Sewer outfalls must be placed 20 miles further out because there are no fish there, fish want clean habitat. There is no fish at shallow waters because pollution, you may not see it but it is polluted. Our fish have adapted to deeper waters because of pollution, thus thriving.
9. Change the octopus law and make it legal to catch and sell to local consumers only no export.

Jonathan Deloso

Fisherman Employer Owner of Machalek Fish Market Agat Guam

483-7247

sen.cridgell@teleguam.net

From: alex aigamaua <aigamaua.alex@gmail.com>
Sent: Wednesday, November 13, 2019 9:22 AM
To: sen.cridgell@teleguam.net
Subject: BAN SCUBA FISHING

Sent from my iPhone

I stand to ban the SCUBA FISHING. I hope we can push to better our environment. This is my testimony. God Speed Senator! Si Yu'us Ma'ase



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Ban SCUBA fishing.

1 message

alex aigamaua <aigamaua.alex@gmail.com>
To: sen.cridgell@teleguam.net

Wed, Nov 13, 2019 at 3:04 PM

Håfa Adai Senators,

My name is Alesana Aigamaua. I support Bill 53-35 to prohibit fishing with the use of SCUBA and other breathing apparatuses.

I believe that with this Bill we are giving our sea life a chance to grow. Bill 53-35 is a chance to promote sustainable living, promote cultural practices, and promote the growth of our reef.

The ability to continue cultural practices by the natives and other island residence is another reason for my support. To a few people on island, fishing is a way of life. Without this Bill, these practices may not be around for much longer.

In closing, I support Bill 53-35. I support the ban of SCUBA and other breathing apparatuses when fishing. I'd like to thank the senators for their attempt at preserving our sea life here around Guahan.

Si Yu'us Ma'åse

20 March 2019

Charles Birkeland
94-258 Olua Place
Waipahu, Hawaii 96797

Guam Legislature

Bill 53-35

Gentlemen:

I support the Bill 53-35 concerning banning the use of SCUBA with spearfishing for the following reasons.

Nearly all tropical countries (e.g., Philippines, Okinawa, New Caledonia, Galapagos, Palau, Yap, Chuuk, Pohnpei, Kosrae, Samoa, American Samoa, Tonga, Fiji, Solomon Islands, Northern Marianas, French Polynesia, Queensland Australia (Great Barrier Reef), Tahiti and the rest of the Society Islands, Vanuatu, Marquesas, Tuamotus, Gambier Islands, Austral Islands, Seychelles, Cocos Keeling, Mexico, Bahamas, Bermuda, Belize, Curaçao, Bonaire and most others) have banned the use of spearfishing with SCUBA because viable fisheries cannot be maintained if the removal of the breeding stock of larger fishes becomes too thorough. Spearfishing with free-diving (mask, snorkel and fins) is an honorable sport and a viable fishery can be maintained, but the added technology of SCUBA allows the fishers to be very effective in targeting sleeping parrotfishes at night and can be selective in targeting the larger fishes.

Studies of hundreds of species of fishes have demonstrated that when the age or size structure of a fish population is “truncated” (older or larger individuals are “chopped off” and the size distribution is abbreviated) by selective removal of larger individuals, then recruitment or population replenishment seriously declines, becomes sporadic, and the fisheries population loses resilience and sustainability (Longhurst 2002; Anderson et al. 2008; Venturelli et al. 2009, 2010; Hidalgo et al. 2011; Rouyer et al. 2011; Stewart, J. 2011). Although gill nets can be detrimental because of wasted bycatch and by catching large numbers of fishes, spearfishing with SCUBA can have a greater effect on the sustainability of fisheries by selectively targeting the larger fishes which can lead to the exponential reduction in the number of eggs and larvae produced (i.e. fecundity), shorten the population’s reproductive season and thereby reducing the

chance that some of the larvae will encounter favorable conditions, lowering the average survival potential of larvae produced, selection for slower growth and reproduction at a smaller size, and in extreme cases, lowering genetic heterogeneity (Birkeland and Dayton 2005).

How does effectively catching large fish have a greater impact on population replenishment than several times the total weight of medium-sized fishes? In nature, the fecundity goes up by about the *cube* (volume of gonads are length X height X width) of the gonads. It has been measured that a large snapper (61 cm length, 28 lbs. weight) has the same fecundity as 212 medium-sized snappers (42 cm each totaling 514 lbs.). Therefore, some Pacific islanders wisely harvest medium-sized fishes and leave the big ones, because taking only one big one has the same effect on the sustainability of the population as taking 212 medium sized ones. In the modern world, people tend to be disconnected from nature and want the glory of taking a big one and don't think about the sustainability of the harvest, nor the value of leaving the big ones behind to breed.

The late Dr. Robert Johannes spent much of his career learning the wisdom of the elder fishermen in Micronesia in resource management. He pointed out that the wise elders could see through the complex interactions and unpredictable recruitment patterns in assessing the state of their fisheries resources with straightforward observations as to whether the big ones were still there. Although there is still a great diversity and large numbers of colorful aquarium fishes on our reefs, the large fishes are scarce. The movies by Louis K. (Buzzy) Agard show that there was an abundance of large fishes immediately following World War II. But this was the time that SCUBA arrived and the large ones have substantially decreased since fishers have been given the power of high technology of SCUBA. It does not take rocket science to realize that we must ban the use of SCUBA with spearfishing.

In addition to reducing the sustainability of the fisheries, the taking of a substantial portion of large individuals of parrotfishes can have serious detrimental effects on the coral-reef ecosystem. Larger parrotfishes actually scrape the substratum when removing seaweed, thereby keeping the seaweed under control and facilitating coral growth for healthy systems. The smaller parrotfishes are relatively ineffective and so the decrease in large parrotfishes in Hawaii can lead to an increase in seaweed and the resulting degeneration of the Hawaiian coral-reef ecosystem.

Kathrine Howard (2008) in her PhD dissertation on the “Community structure, life history, and movement patterns of parrotfishes: large protogynous fishery species” found that large individuals of the parrotfish *Scarus rubroviolaceus* were ten times as abundant in Hanauma Bay where they were protected from spearfishers than other places with similar reef structure around Oahu. She calculated that only Hanauma Bay and a couple of other small areas largely inaccessible to divers had viable populations. It is urgent to ban the use of high technology such as SCUBA and night lights to harvest parrotfishes. For both the viability of parrotfish populations and the health of coral reef ecosystems, we must not allow SCUBA to be used with spearfishing. In the late 1970s, I observed the elimination of the large humphead parrotfish *Bolbometopon muricatum* from Guam. They were spectacular to observe until they were removed by commercial spearfishers when they began using SCUBA. The same was observed in American Samoa when commercial fishers began to use SCUBA (Page 1998).

I have heard several times in Micronesia and in American Samoa, the fishers say “Our resources do not belong to us, we are borrowing them from our children and our future generations.” This is why most other countries and coastal villages allow spearfishing by free-diving, but prohibit the use of high-technology SCUBA.



Charles Birkeland

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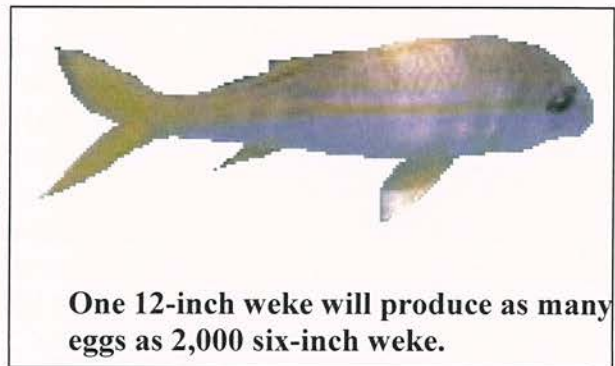
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DRAFT for Dr. Charles Birkeland
Hawaii Fishing News
“Responsible Fishing Guide”

Proposed Title: Let the big ones go?

If you have a choice in which fish you catch, you generally go for the big one, right? And it seems logical that if you take one big fish, rather than a heap of smaller fish, that you would have less impact on fish populations. We hope that by leaving the keiki fish, they will have time to grow and reproduce, and we will have fish for tomorrow.

But we are learning that it is not that simple. New studies show that the older, larger fish have much greater potential for replenishing reefs than smaller fish. For example, a 12-inch weke reproduces up to five times a year making about 180 million eggs, while a six-inch weke may reproduce only once a year making only 90,000 eggs.



So when fishers target the biggest reef fishes and leave only the younger fishes to reproduce, there is a reduction in the number of eggs produced. The eggs from younger fish are also less likely to survive than had they come from a fatter, nutrient-rich fish.

Scientists believe that older fishes produce more and better eggs because they have more metabolic reserves; thus, they are able to invest more energy in each offspring. This phenomenon may be most common among long-lived fish species, such as you find among Hawaii’s reefs. This may not apply to deep-water pelagic fish, such as mahi mahi, that have a shorter life span and reproduce earlier. That means reef fishes, which can live for decades and often take longer to reach reproductive age, are the most vulnerable to fishing pressure that targets the big ones.

The latest science tells us:

- Older fishes can produce many more eggs than younger fish, with a large fish producing anywhere from 80 to 2,000 times as many eggs as a fish of the same species that is half the lengthsize.
- Larvae from the eggs of older, bigger female fish can grow more than three times as fast as larvae from younger females.
- Larvae from the eggs of older fish survive lack of nutrition more than twice as long as do larvae produced by younger females.
- Older fishes can provide the population with a longer spawning season because they start to spawn earlier than less experienced fish.
- Larger fishes may enhance the survival and reproductive success of the next generation. Many scientists believe that in some fishes the young may learn the route to spawning aggregations by following the experienced adults.

It is not always obvious the The damage that is being done by targeting the big fishes is not always obvious. You may see ~~plenty many~~ medium-size fishes out there and think all is well. But in fact, what scientists have learned is that fishing pressure over the past ~~couple~~ several decades on the older "auntie" fishes is decreasing some species' ~~overall~~ typical body size, which means they can no longer reach their former potential size. A decrease in the size of the fish means they are not as successful at replenishing their populations. As this cycle continues, it leads our coral reef fisheries into a downward spiral, with fishes getting smaller and smaller and fewer in number with each generation. In some cases, it may be next to impossible for some populations to recover from overfishing.

For species that play a vital role in the near-shore environment, such as algae-eating uhu, the removal of big fishes can have large-scale effects on reef health. For example, studies have shown that only big uhu larger than 20-25 centimeters are able to scrap enough algae off reefs to control its growth. Smaller uhu simply nibble and don't keep the algae in check. In Hawaii, where several species of invasive limu are smothering and killing our reefs, it is vital that fishers minimize their catch of the large uhu that are so important to keeping the reefs healthy. Fishing on SCUBA in particular puts uhu at risk of being easily overfished and limits the species, and therefore the reefs, chances for recovery. Other nations in the Pacific have recognized that threat and banned spear fishing on SCUBA, including Palau, Fiji, French Polynesia, American Samoa and Queensland, Australia.

As a marine scientist with more than 30 years experience in Pacific islands, I believe it is vital for Hawaii's reefs that we give the big fish a break. Spear fishers, who can choose the fish they target, should consider going after intermediate-sized fishes instead. Hawaiians traditionally used slot limits for more vulnerable species; for example, they would catch medium-sized adult moi rather than taking the juveniles or large moi. Ancient Hawaiians apparently had an understanding of the importance of leaving the large females to sustain fish populations.

Moi is an example of what happens when that traditional knowledge is forgotten. After 1950, it took less than three decades for wild moi populations to collapse, and the moi most of us eat today is farmed. We can reverse the downward spiral for other fishes if we let the big ones go.



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Testimony on Bill 53-35

1 message

Val Brown <diverval@gmail.com>

Wed, Nov 13, 2019 at 5:37 PM

To: sen.cridgell@teleguam.net

Hafa adai, Senator!

Attached please find my testimony on Bill 53-35. As a coral reef manager and scientist that has studied Guam's reef fish communities for over a decade, I strongly support this bill and hope that you are successful in passing it.

I do recommend that the legislature consider adding some language to this bill to improve enforceability. As written, enforcement officers would have to see someone take a fish on SCUBA to successfully prosecute. This has been a substantial issue in other countries that have passed SCUBA spear legislation. You can avoid this by making it illegal to have fish, SCUBA gear, and fishing equipment on the same vessel or in the same vehicle. For instance add a new subsection in the proposed Section 63116.3 that says:

(b) It is unlawful to possess speared fish on a vessel or in a vehicle that is also carrying a spear and equipment for scuba diving, as defined in subsection 63101(dd) of this Chapter.

This is important as a strong enforcement effort will be necessary to ensure compliance with the law and allowing prima facie evidence will allow law enforcement officers to successfully build a case against those that continue to use SCUBA to fish.

Please don't hesitate to contact me if you have any questions about available data or the material I provided. I wish I could be there in person to testify, but I believe you'll have a lot of support this time.

Dangkolo na Si Yu'os Ma'ase!

Val

Valerie Brown, MSES, MPA
PO BOX 4962
Pago Pago, 96799As

 **Brown-VA_Testimony_Bill_53-35.pdf**
338K

Valerie A Brown, MSES, MPA

PO Box 4962, Pago Pago, AS 96799

684-256-8446 diverval@gmail.com

November 13, 2019

Committee on Economic Development,
Agriculture, Maritime Transportation,
Power and Energy Utilities, and
Emergency Response
35th Guam Legislature
Attn: Senator Clynton E. Ridgell
238 Archbishop Flores Street
Suite 906 – DNA Building
Hagåtña, Guam 96910

Re: Bill No. 53-35 (COR) An Act to Add a New § 63101 (dd) Chapter 63 of Title 5, and to Add a New § 63116.3 to Chapter 63 of Title 5, and to Amend § 63129 of Chapter 63, All of Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing with the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam.

Dear Senators,

I am so pleased to see the introduction of Bill No. 53-35 to prohibit the use of SCUBA equipment for fishing on Guam. I strongly support this bill and encourage the legislature to pass this and other legislation to regulate fishing on Guam and improve enforcement capacity for natural resources laws. Now, more than ever, it is absolutely necessary that the Guam Legislature take action to ban this unsustainable fishing practice. SCUBA fishing is having a detrimental effect on Guam's fisheries and Guam's reefs and all that they protect and support.

I am no stranger to this issue and I have seen an overwhelming amount of data to suggest that this ban is imperative for the sustainability of Guam's fisheries and coral reefs. I worked on Guam for over fifteen years from 2004-2019. During this time, I helped manage, study, and conserve Guam's coral reefs and coral reef fisheries. As a Fishery Biologist for the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service and Fishery Management Liaison for the NOAA Coral Reef Conservation Program, I have surveyed reef fish on reefs throughout the Marianas, and all around Guam. I also helped evaluate the success of Guam's Marine Preserves and summarized fishery data for legislative hearings and agency decision making.

Throughout my time on Guam, it has been clear that SCUBA spearfishing was having a detrimental effect on Guam's fisheries. Night after night, I saw SCUBA spear fishermen head out to harvest coolers full of sleeping reef fish. As time passed, they told stories of going deeper and deeper to catch big fish, many of them suffered from decompression illness, and large fish grew scarcer and scarcer on Guam's reefs. A look at the catch data confirmed that these fishermen were highly efficient, harvesting hundreds of pounds of fish each night, while subsistence snorkel spear, hook and line, and talaya fishermen were often capturing maybe ten pounds, often less, in the same amount of time. Now there are even more SCUBA fishermen and they are reportedly using nets as well as spears. Guam's reefs can not sustain this level of extraction.

An analysis of the available fisheries data will show you that over time, some of the most desirable fish, the big laggua (parrotfish), atuhong (Bumphead Parrotfish) and tanguison (Humphead Wrasse) were heavily harvested using SCUBA spear fishing methods such as spear and bangsticks from the 1980s - 2006. In fact 85% of the tanguison, and 100% of the atuhong in the DAWR creel records up until 2006 were harvested on SCUBA. These fish have all but disappeared from the catch records and are often only seen in the marine preserves or remote

eastern and northern reefs. I've observed juveniles outside of the marine preserves, but they always disappear as soon as they are big enough to fill a plate. After an earlier effort to ban this destructive fishing practice, SCUBA fishermen refused to participate in creel surveys, so it is difficult to know exactly how their catch has changed over the last decade or what they are targeting. However, it is clear that there is still a lack of large herbivores and that fish communities around the island are declining.

Data from Guam suggests that SCUBA spearfishing is far too efficient to continue to be permitted as a fishing method. The catch per unit effort for this method far outstrips any other method practiced on Guam. This is a case of a few people ruining the fishery for all of the other fishermen on Guam. While it may seem like this legislation is "picking on" just one group of fishermen, this legislation is needed to restore equity in Guam's fisheries and increase the stability and recovery potential of our coral reef ecosystems. It has become very clear that the SCUBA spear method is not sustainable – it is too effective and allows the fisherman using it to take too many fish, too quickly. The fishermen that are using this method are essentially taking more than their fair share of this community resource and causing irreparable harm to both the fishing community and the community at large due to the ecological impacts of their actions.

For the benefit of the entire fishing community and the people who depend on our nearshore reefs for sustenance, it is necessary to ban SCUBA spearfishing on Guam. The legislature may even want to go so far as to place a moratorium on the use of flashlights while spearfishing or ban the commercial sale of speared fish, until the stocks increase.

I do recommend that the legislature consider adding some language to this bill to improve enforceability. As written, enforcement officers would have to see someone take a fish on SCUBA to successfully prosecute. This has been a substantial issue in other countries that have passed SCUBA spear legislation. You can avoid this by making it illegal to have fish, SCUBA gear, and fishing equipment on the same vessel or in the same vehicle. For instance add a new subsection in the proposed Section 63116.3 that says:

(b) It is unlawful to possess speared fish on a vessel or in a vehicle that is also carrying a spear and equipment for scuba diving, as defined in subsection 63101(dd) of this Chapter.

This is important as a strong enforcement effort will be necessary to ensure compliance with the law and allowing prima facie evidence will allow law enforcement officers to successfully build a case against those that continue to use SCUBA to fish.

This has never been more important than it is now. Guam's reefs are in serious trouble. The fish targeted by fishermen using SCUBA are the fish that keep reefs healthy. They eat the algae that can prevent new corals from growing on our reefs and we need them to help new coral to grow and thrive. Coral bleaching events in 2013, 2014, 2016, and 2017 have heavily impacted Guam's reefs. Scientists on Guam have documented a 30-60% reduction in live coral on Guam's reefs in the last 6 years^{1 2} and we need the fish targeted by SCUBA fishing to help the reefs recover. At the same time the data that I have collected over the last decade also indicates a decline in reef fish biomass and diversity at sites around the island and the biomass is well below potential levels³. You need to take action to protect these valuable natural resources. Reefs protect the island from

¹ Raymundo, L.J., D. Burdick, W. Hoot, R. Miller, V. Brown, T. Reynolds, J. Gault, J. Idechong, J. Fifer, A. Williams. 2019. Successive bleaching events cause mass coral mortality in Guam, Micronesia. *Coral Reefs*. <https://doi.org/10.1007/s00338-019-01836-2>.

² Raymundo LJ, D. Burdick, V Lapacek, R. Miller, V. Brown. 2017 Anomalous temperatures and extreme tides: Guam staghorn *Acropora* succumb to a double threat. *Mar Ecol Prog Ser*

³ Burdick, D., V. Brown and R. Miller. 2019. A report of the Comprehensive Long-term Coral Reef Monitoring at Permanent

storm surge and tsunami waves, they are a major component of Guam's tourism industry, they are culturally important as well and they need healthy fish stocks to provide these services.

I have attached some materials that I assembled for past hearings on this matter. Please feel free to contact me if you have questions and I can provide the data or explain the content further. I also recommend that you review this document from a colleague in Hawaii that synthesizes numerous studies on the impacts of SCUBA fishing. https://dlnr.hawaii.gov/dar/files/2014/05/WHI_SCUBA_Background.pdf

I urge you to take action and pass this legislation now. Don't wait another decade to discuss it – the reefs as we know them may not last that long without intervention.

Sincerely,



Valerie Brown

SCUBA Spearfishing on Guam

History and Evolution

SCUBA spearfishing has been used to harvest fish on Guam for three decades. In the beginning, it was used only to harvest large fish that were difficult to harvest using other methods, such as Atuhong (Bumphead Parrotfish - *Bolbometopon muricatum*) and Tangison (Humphead Wrasse – *Cheilinus undulatus*). It began to grow in popularity as a method for commercial harvest in the early 1980s and was most heavily used in the early 1990s.

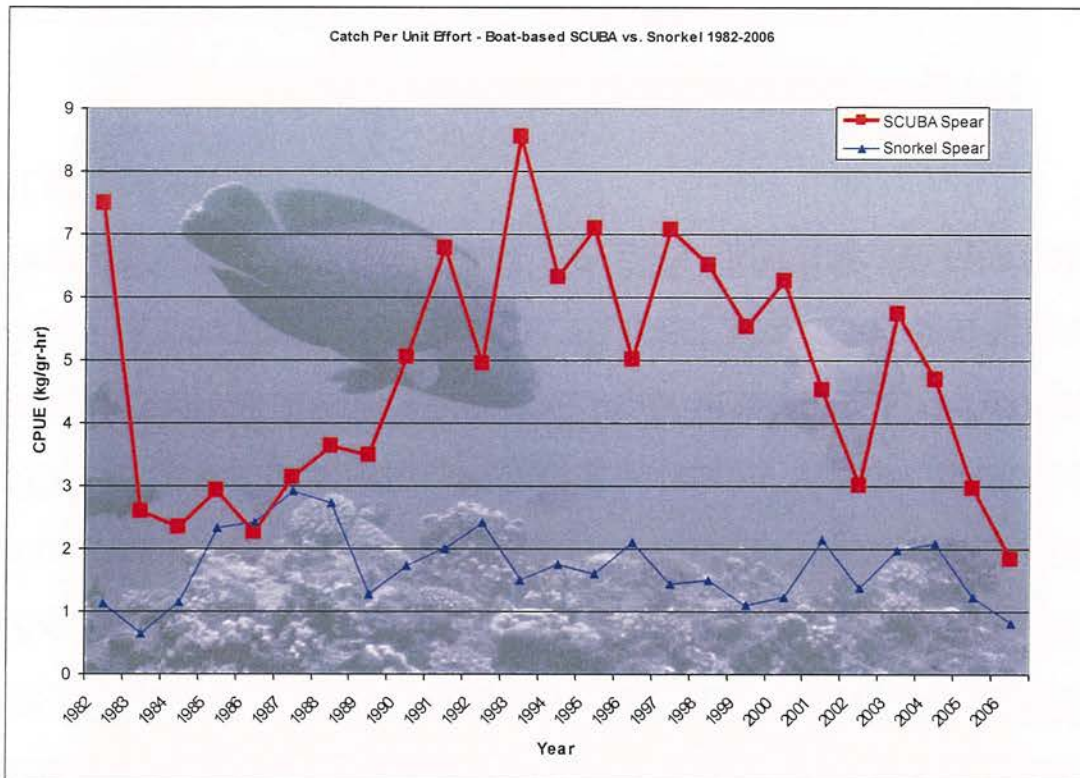
It has never been as widely used as many other methods, however, a few small groups have continuously used this method for commercial harvesting of reef fish. As older fishermen abandon the method, younger fishers have filled the gaps. The gear has evolved to become safer and it is easier than ever to acquire training and equipment to enter this fishery, however the dangers have increased as the fishers have continued to dive deeper and deeper to harvest species that have been depleted in shallower waters.

Catch Composition

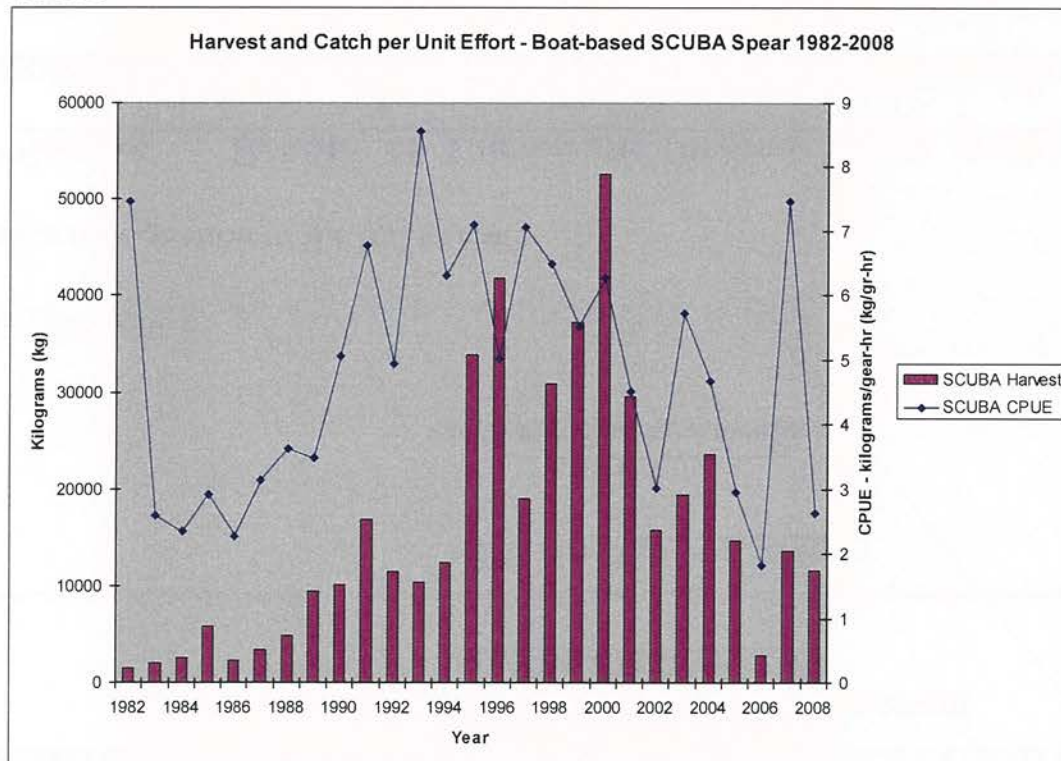
The Division of Aquatic and Wildlife Resources creel data up to 2006, indicated that SCUBA was used to catch 100% of the recorded harvest of Atuhong, bumphead parrotfish (*Bolbometopon muricatum*), and 85% of the recorded harvest of Tanguisson, the humphead wrasse (*Cheilinus undulatus*). These have both been listed as “Species of Concern” by the National Marine Fisheries Service, are on the “Red List” of the World Conservation Union (IUCN) and under consideration for protection under the federal Endangered Species Act. In addition, the Tanguisson was added to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) list in 2004.

CPUE

One of the measures of a method’s efficiency is the CPUE, or Catch per Unit Effort. This is measured in kilograms per gear-hour, the amount of fish caught for each piece of gear in an hour. For example, if a SCUBA spearfisherman were to catch 10 kilograms of fish during 2 hours of fishing, the CPUE would be 5 kg/gr-hr. The graph below shows the CPUE for both SCUBA spear and snorkel spear from 1982-2006. The CPUE for SCUBA spear is significantly higher than snorkel spear. This means that a SCUBA spearfisherman catches much more fish per hour than a fisher using the snorkel spear method.



Harvest



Comparison to Snorkel

There are fewer people using SCUBA for spearfishing. While some fishers are using this method for sport, targeting large trophy fish such as jacks and snappers, the bulk of the harvest from this fishery is sold to commercial outlets. However, some fishers using this method harvest only for sport, targeting large trophy fish, such as jacks and snappers. The bulk of this fishery is the commercial harvest and their catch per unit effort is significantly higher than snorkel spearfishing. This unregulated fishery impacts the availability in shallow waters and impairs harvest for subsistence purposes. As the fishery targets important herbivores such as parrotfish and unicornfish, it also impairs reef recovery and health.

Safety

Depending on the depth, the diver may stay down for 10 minutes to over an hour. Commercial fishermen often conduct four to five dives a night. Interviews with commercial scuba spear participants suggest that their first dives may now be excess of 250 feet. They then proceed to a shallower depth for a second dive, return to a depth in excess of 100 feet for their third dive and then conclude with another shallower dive. Due to the time constraints of air and decompression limits it is common practice to

Dangers of this method include decompression sickness, commonly referred to as "the bends", and arterial gas embolism from rushed ascents, as well as bites from wounded or excited marine life. The danger from decompression sickness increases as fishermen push themselves to reach deeper and deeper depths in search of fish.

Answers to Common Questions About SCUBA Spearfishing

1. **Q: What is the difference between Breathhold / Snorkel Spearfishing and SCUBA Spearfishing?**

A: Fishermen practicing breathhold / snorkel spearfishing target, shoot, and return to the surface with their prey on one breath. The fisherman is limited to the depths they can reach while holding that one breath and have only a short time to seek and shoot their prey. A fisherman may make multiple dives in a day and is limited only by his own physical conditioning. This method requires a greater level of physical conditioning and skill to achieve high rates of catch, particularly if practiced during the daytime hours. The effort on Guam is split between daytime and nighttime.

SCUBA spearfishing uses compressed air so that the fishermen can reach deeper depths than accessible by breathhold divers and remain underwater for longer periods of time. Dives last up to an hour or more depending on the depth. Fishermen can make multiple dives in a day, with four to six dives a day being common in Guam. This method does require a SCUBA certification, but does not require the same level of fitness and skill to achieve high catch rates. Most SCUBA spearfishing on Guam takes place during the nighttime hours.

2. **Q: Have other countries banned SCUBA Spearfishing?**

A: Yes. A number of other countries have banned SCUBA spearfishing. These include the Commonwealth of the Northern Mariana Islands, Fiji, Tonga, American Samoa, Western Samoa, Solomon Islands, Mauritius, Seychelles, Kenya, Maldives, much of Australia, all of Europe, and most of the nations in the Caribbean. In fact, many of the European and Caribbean nations have banned spearfishing entirely.

3. **Q: Why has SCUBA Spearfishing been banned in so many places?**

A: SCUBA spearfishing has been banned for a number of reasons. One of the main reasons cited is that it is too effective at harvesting fish. Without careful control, this method can easily exceed sustainable levels of harvest. Many countries noticed huge drops in their fish stocks after the introduction of SCUBA spearfishing and instituted the bans to prevent further loss.

This method also targets fish while they are helpless. The two main targets of the Guam fishery are parrotfish and surgeonfish. These fish sleep in crevices on the reef at night. To harvest them, the fisherman simply uses his flashlight to locate their sleeping spot and spears them. Unlike other methods where fish have a fighting chance, this method provides little chance for the fish to escape.

Other countries were also concerned that it is a dangerous method of harvesting fish, particularly once the easily harvested, shallow stocks are exploited and divers are forced to greater depths. Even on Guam, a number of SCUBA spearfishermen have experienced decompression sickness.

4. **Q: Why should you support a ban on SCUBA spearfishing?**

A: DAWR fisheries biologists first recommended a ban on this method in the late 1980s. However, as it went through the administrative review process, the regulations banning this method were not supported by the administration. The director and others hoped that the marine preserves would be enough to offset the high level of extraction. The marine preserves are working, providing young fish to populate Guam's reefs, however, not enough of these young fish are surviving to become large sexually mature fish due to the highly effective extraction methods, such as SCUBA spear and gill

net, which are still allowed under Guam law. Fishermen using the breathhold spear method have noticed this. They believe that one of the key reasons we don't have large fish on our reefs today is the heavy fishing pressure caused by commercial SCUBA spearfishing. They have stated in public forums that the commercial SCUBA spearfishermen are not regulating their catch and are taking too much, indiscriminately harvesting both small and large fish. After hearing their concerns, DAWR agreed to review the available data to see whether a ban on this method was advisable.

Data from Guam suggests that SCUBA spearfishing is far too efficient to continue to be permitted as a fishing method. The catch per unit effort for this method far outstrips any other method practiced on Guam. This is a case of a few people ruining the fishery for all of the other fishermen on Guam. For the benefit of the entire fishing community and the people who depend on our nearshore reefs for sustenance, it is necessary to ban SCUBA spearfishing on Guam. The legislature may even want to go so far as to place a moratorium on the use of flashlights while spearfishing or ban the commercial sale of speared fish, until the stocks increase. However, the latter would have a serious impact on markets in Guam and should not be considered without further economic study.

5. Q: Why are you picking only on SCUBA spearfishers?

A: There is a real problem on Guam's reefs. Our large laggua (parrotfish) are missing, our gadao (groupers) are missing, the atuhong and tanguisson have almost disappeared, and even the large tataga (unicornfish) are scarce, particularly in the shallower waters. These have all been the targets of the SCUBA spear fishery.

While it may seem like this legislation is "picking on" just one group of fishermen, the legislation is needed to restore equity in Guam's fisheries and increase the stability and recovery potential of our coral reef ecosystems. It has become very clear that the SCUBA spear method is not sustainable – it is too effective and allows the fisherman using it to take too many fish, too quickly. The fishermen that are using this method are essentially taking more than their fair share of this community resource and causing irreparable harm to both the fishing community and the community at large due to the ecological impacts of their actions.

6. Q: What are the other options?

A: There are some other options rather than banning SCUBA spearfishing, however, some may feel that these measures are too drastic and will have much more far reaching effects on the economy, traditional practices, and the availability of reef fish and therefore warrant further social and economic studies before further consideration. These options are:

1.) Ban nighttime spearfishing – this would make the use of artificial lights while spearfishing illegal – this would remedy some of the ecological concerns as it would lower the CPUE of both methods, however, many subsistence fishermen rely on the nighttime hours to harvest for their families and this may place an undue burden on these fishers.

2.) Ban the commercial sale of speared fish – either temporarily until stocks recover or permanently – This could have significant economic impacts. This should not be implemented without careful consideration and preparation. This may put the pressure on other islands or on bottom fish stocks as reef fish would have to be caught by other methods or imported, it could increase the cost of reef fish.

3.) Ban all forms of spearfishing – Chamorros have been harvesting fish with this method since before contact with western cultures, many are loathe to even consider this as an option.

7. Q: Is the decline of the fish stocks really due to fishing?

A: Some people like to point fingers and suggest that this is caused by land based sources of pollution, but this simply does not hold true. Fish stocks are thriving in the marine preserves, even where sediment is still flowing in and pollution is still running onto the reef. The only difference is that the fish there are not over harvested. In these areas, the fish are actually helping the reef ecosystem buffer the impacts of pollution by eating the algae that threatens to overtake the corals. A number of scientific studies have now shown the importance of robust fish stocks for maintaining healthy reefs. We are unaware of any studies that have clearly demonstrated that the types of land based sources of pollution found in Guam have caused the decline of fish stocks.

This is merely a tactic to distract everyone from the real issue. The fact is, the population of Guam has increased from approximately 60,000 in 1950 to over 160,000 today. The number of fishers and the number of fish eaters has also increased, but our fish stocks have not. If we are going to have fish for the future, we need to manage the fisheries wisely and sustainably. We have to ensure that the methods we use do not take too many fish, too quickly and that we leave enough large mature fish, to produce more fish for the next generation. When you look at the data collected over the years, a few things become very clear: SCUBA spearfishing is not sustainable. SCUBA spearfishing is not equitable. SCUBA spearfishing is hurting Guam's reefs and reef fisheries. It is time to consider the data and make the same decision that we made about dynamite and poison. It is time to stop this unsustainable fishing practice.

8. Q: Proponents of this bill have mentioned Atuhong and Tangison, why are these fish important and how does SCUBA Speafishing affect them?

A: The *Atuhong*, or bumphead parrotfish, and *Tangison*, or humphead wrasse, are two large, long-lived fish species that play important roles on Guam's reefs. Due to overfishing and habitat degradation, the populations of these slow growing fish have seriously declined over the last twenty years. In fact, their status is so dire, that they are considered endangered by the IUCN and were nominated for endangered species status. SCUBA spear is one of the main contributors for these species' decline in Guam. In fact, DAWR's records indicate that 100% of the recorded *Atuhong* catch and 85% of the *Tangison* catch was caught using SCUBA spear.

Although it once roamed Guam's reefs in large schools, the Atuhong is now all but extinct on Guam. These large parrotfish are believed to be an important part of the reef ecosystem. They eat algae and fast growing corals and clear space on the reef for new coral to settle. An important component of healthy Micronesian reefs, these fish still roam the shallow reefs in schools of over a hundred in the outer islands of the FSM, yet in Guam, only sporadic sightings of single individuals and a small group of less than ten individuals have been reported in the recent past. All recorded catch of this species in DAWR's records have been taken with SCUBA spear. A witness to a past recorded harvest in DAWR's records told a DAWR research cooperater that one of the SCUBA spearfishing groups found the school of 9 adult atuhong sleeping on a sand patch off the northeast coast of Guam at night. Each of the fish weighed 90-110 lbs and was over 3-4 feet long. While the fish slept, the group approached and used bangsticks to kill seven of them and bring them to the surface. The fish never even saw what hit them. The fish were then sold at market.

The Tangison is also found in seriously reduced numbers on Guam's reefs, but the population appears to be stabilizing thanks to the Marine Preserves which have provided safe habitat for a number of juveniles and a handful of adults. However, outside of the marine preserves, their numbers are still low, and they are easily exploited. Economic studies have indicated that these fish are much more valuable alive as a tourist attraction, drawing divers willing to spend money to photograph and

spend time with these curious fish. The potential economic benefits of tourism associated with these charismatic fish are much greater than the financial gain from harvesting them for food. Harvest is not unreasonable, but as these fish take up to ten years to mature, it is important that the harvest is managed for sustainability and should perhaps be limited based on a permit system or for special events such as village fiestas only. DAWR records show that approximately 85% of the harvest of this species has been taken using SCUBA spear.

I, Ashley Castro, am for the ban of the use of SCUBA for spear-fishing. Although, I do believe that revisions may be made to the bill emphasizing the specificity of the use of scuba-diving. In areas of science and research, this method of fish collecting should be permitted. Any form of scuba-fishing should be banned if not related to marine research purposes, which includes commercial fishing without the motive of sustaining the fish population. However, fish that are caught that are sold in businesses should be provided by traditional and sustainable methods of spear-fishing. As you have been told countless times, our fish populations will rapidly decline if the bill does not get put into action soon. I pray that this issue is taken seriously this year; not in another 9 years when it will be far too late. Imagine, our future grandchildren will not know what coral is. They may never enjoy seeing the life that lies below the surface of the ocean. For such a small island, we surely do not need to take this much time to make a decision that will be beneficial for the long-run.

I wrote this testimony to try to reach out to the senators to help put into perspective the world of a free-diver and scuba diver. In a few years, our beautiful island will have a desolate reef-life. Our beautiful ocean waters will suffocate and our families will have no means of food sources. CHamoru culture will diminish simultaneously with our dying island if we do not take action now. How embarrassing it is to not have taken a step to better our island, our home, any sooner. This bill is here in front of us to improve our fish populations, to help them regain their ability to populate accordingly. Our mother island is being torn apart with pollution. Trash is constantly being overlooked while we focus on tourism, which is only materialistic and temporary. Our reefs are being raped, and a few of us that were there at the hearing can only say so much to beg you to actually listen to our island screaming for help. We need to enforce the laws and take appropriate actions when illegal activity is being executed. The power lies in your hands, and you have heard the scientific facts of what the future of Guam will come to. Please take the time to listen to your people. It is our island, our ocean to defend and to protect, not to destroy.



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Written support for Bill No. 53-35

1 message

CJ Cayanan <cjcayanan671@gmail.com>
To: sen.cridgell@teleguam.net

Thu, Nov 14, 2019 at 12:04 PM

Buenas,

I am writing to give my support for the SCUBA fishing ban. I believe that using SCUBA to fish needs to be illegal. It does not give fish any refuge and does not allow our fisheries to grow.

Si Yu'os Ma'ase'
CJ Cayanan



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Spearfishing ban

1 message

David Crisostomo <irondog_671@yahoo.com>

Fri, Nov 15, 2019 at 8:07 PM

To: sen.cridgell@teleguam.net, clsenatorpedo@senatorjpterlaje.com, office@senatorperez.org, sen.wilcastro@gmail.com, senatorlouise@gmail.com, senatortelot@gmail.com, senatormoylan@guamlegislature.org, marycamachotorres@gmail.com

Hafa Adai Senators,

I am writing this to express my great concern and adamant rejection of this bill. I listened to testimony presented today and am astounded how many people were so sure that spear fishing was the cause of a decline in fish stocks.

I retired from UOG in 2007. I received my bachelors degree from the University of Washington and my Masters degree from Texas A&M University. Both degrees were in Fisheries Science. Fish stocks are a great concern everywhere that a fishing industry exists. Here we have a very small fishery, mostly to feed locals with fresh fish. The past few decades have seen an influx of immigrants from our neighbors from the FSM. These new residents have a cultural history with fishing, similar to our native Chamorros, but with some very distinctive differences. They fish with learned skills but in many cases their preferences and demands for fish are more towards smaller fish. This is in no way a generalization of FSM fishermen but rather to point out what I have seen personally in a high enough number of incidents where I have been fishing in the same waters at the same time. I have witnessed time and time again other fishermen coming alongside me with stringers full of very small fish. I know they were of FSM origin because of the language they spoke. (Most Chamorros can tell when someone f speaking Chuukese or Palauan or Pohnpeian).

My degree training in college expressly notes that the harvest of immature fish is a definite cause and reason that a fishery can decline. When fish are not allowed to mature, they cannot add to the reproductive capacity of that species and lead to a crash in the population. The use of sanctuaries or fish preserves is not enough. There is great lack of understanding here, that the young fish must be protected.

Spear fishermen harvest only large fish that have already contributed to the gene pool and gone through some or many reproductive cycles. They cannot possibly cause the crash of a fishery. You must protect the immature fish so that they can mature and contribute to reproduction. There has to be a balance reached. Humans left to their own desires will never work. Conversely you cannot micro manage society. I strongly believe that the fishing activities must be regulated with open and closed seasons. And more importantly we need a regulation to prevent the taking of small Immature fish. This can be done with size limits. We already have somewhat of a season with rabbit fish. This must be extended through all or most of the species of concern.

Finally, and maybe most critical to the entire concept of preserving our fish stocks, is enforcement. Words and laws won't stop people from taking what they want. There must be ADEQUATE funding to allow for the hiring of fishery officers to monitor fishing activities. If the government is not willing to fund a law sufficiently to make it work, then it's just another useless exercise. The enforcement is the absolute key.

Don't unfairly point to spearfishermen. All testimony presented had zero scientific basis. So are laws to be passed based on what you think is happening? Or on the emotions of people testifying? Please consider rational thoughts and explanations.

David Crisostomo

Sent from Yahoo Mail for iPhone

Sent from Yahoo Mail for iPhone

The Largest Fish on Coral Reefs were the First to Go.

Or “You don’t know what you’ve got ‘till it’s gone,” as we’re only now finding out.

Douglas Fenner, Ph.D.

Many reef scientists (including the author) have spent their entire careers diving on reefs that have few big fish, and have never questioned whether that was normal or natural. Seeing big fish like sharks, humphead wrasse, bumphead parrots, mantas, goliath grouper and giant grouper, is very exciting for divers, and a big attraction for dive operators. One dive operator in Australia estimated that a single shark that he could reliably bring divers to might be worth \$25,000 to his operation. In part, they are so exciting because they are so rare today. They are rare on most reefs anywhere near people. I dove for years in the Caribbean, and only once saw a goliath grouper, which was just a juvenile. I’ve been diving for years in many places in the Indo-Pacific, and have only twice seen schools of bumphead parrots, both times of only about a dozen individuals. I’ve only once seen a full size adult humphead wrasse. It is very easy to assume that reefs have always been the way that we first saw them, and judge their future condition based on that. As reefs degrade, each generation uses a lower condition as the baseline to judge further losses. This is called the “shifting baseline” (Pauly, 1995; Sheppard, 1995).

Jackson (1997) wrote:

“The problem is that everyone, scientists included, believes that the way things were when they first saw them is natural.”

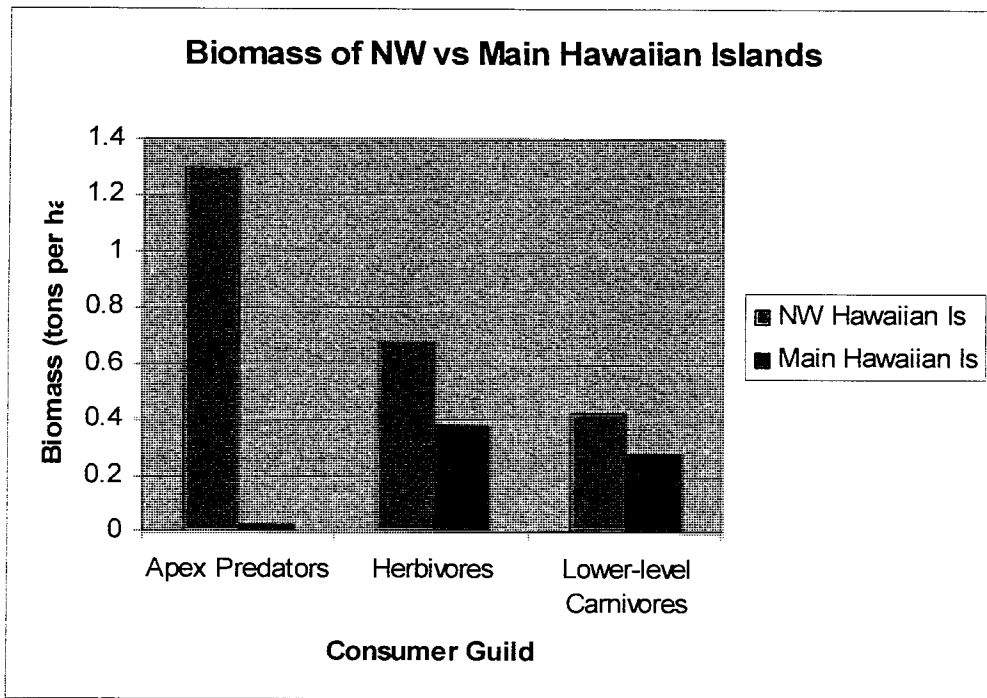
Jackson et al. (2001) wrote:

“The shifting baseline syndrome is thus even more insidious and ecologically widespread than is commonly realized.”

In the last few years, there have been a flurry of reports on the reef fish communities at very remote coral reefs in the Pacific, which are nearly pristine. First, a report on the Northwestern Hawaiian Islands was published by Friedlander and De Martini (2002). Tourists can only go to the “main Hawaiian Islands” at the southeast end of the chain. The islands and reefs in the Northwest beyond Kauai are too small (though Midway briefly had a dive tourism operation). Turns out they are virtually swarming with big fish compared to the main Hawaiian Islands. The most common big fish there is giant trevally (*Caranx ignobilis*), a predator which reach 1.7 meters length (5 feet) and 68 kg (150 pounds) maximum. But there are also lots of sharks such as grey reef sharks and Galapagos sharks. These big predator fish are called “apex predators” because they are at the apex of the food chain. Amazingly, they compose around half of all the weight (“biomass”) of all the reef fish on these reefs (Birkeland and Friedlander, 2001). In contrast, when large areas of reefs around the main Hawaiian Islands are surveyed, there are very few sharks at all. There are about 65 times as many sharks per unit of area in the NW Hawaiian Islands as the main islands. The author has snorkeled a lot in the main Hawaiian Islands (and wrote a book on Hawaiian corals, “Corals of Hawaii”), but has only ever seen one or two sharks there (in a no-take area). If you snorkel or dive in Hawaii, you will usually be surrounded by small colorful fish (only), very different from a natural reef. Occasionally in the main Hawaiian Islands, a tiger shark attacks someone,

and sometimes they are killed. This is tragic. In the hysteria that follows, people go out and kill all the sharks they can find, perhaps around 200. Few if any of them are tiger sharks (and most people who study tiger sharks say that even they are not aggressive towards humans except in rare instances; one researcher in Australia regularly swims with them to video them, and lassos them around the tail to hold them on a stern apron to do research.).

Figure 1. Reef fish community composition in Hawaii. There are very few humans in the NW Hawaiian Islands, and many in the main Hawaiian Islands. Redrawn from Birkeland and Friedlander (2001).

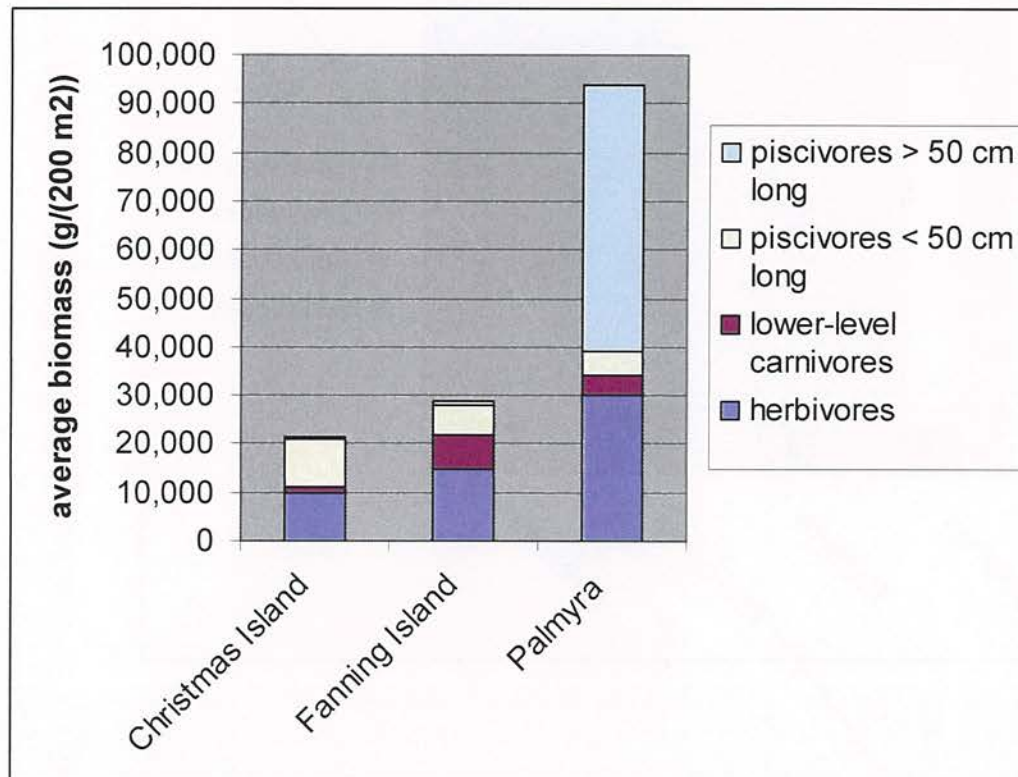


People in western cultures love to fear sharks, which is supported in the popular media, such as the movie “Jaws.” Around the world, sharks kill about 5 people per year, but many more people are killed by lightning and bee stings, among other things. Humans kill around 100 million sharks a year, so who is the bloodthirsty killer, shark or human? The rarity of sharks in the main Hawaiian Islands is typical of reefs near people. In the Philippines, in two years of about 10 dives a week, I saw about a total of about five sharks, and two of those were on the way to the market. A few years later I got to dive at Tubbataha reefs in the Philippines, which are remote and currently protected. Whitetip reef sharks were not uncommon there, though nothing like grey reef sharks on the truly remote reefs that have not been fished. In Hawaii, in spite of the very clear evidence that sharks have been heavily overfished to the point that they are endangered with local extinction in the main Hawaiian Islands, there has been no management action to protect them there. It’s perfectly legal there to kill all you want. This may be because of pressure from fishermen. Fishermen are highly vocal there, and in politics, the squeaky wheel gets the grease. As a result, sometimes there is an attempt to base fishery

management on special interest politics, not on science (Pala, 2007a). In addition, sharks have a bad reputation with the public, and occasional shark attacks (by tiger sharks) in Hawaii mean that sharks are likely to get little sympathy, and action to protect them would be very unpopular.

More recently, studies in the remote and unfished reefs in the Line Islands south of Hawaii, have found that there, too, half or more of the fish biomass is in the big fish (Stevenson, 2006; Pala, 2007; Sandin et al. 2008).

Figure 2. Composition of reef fish communities on islands in the Line Islands. Fishing is heaviest at Christmas and not allowed at Palmyra. Redrawn from Stevenson et al. 2006.



Sandin et al. (2008) say:

“The earliest historical descriptions of Kiritimati and Tabuaeran document an enormous abundance of sharks and other large fishes that persisted until the early to mid 20th century when declines became apparent. As recently as 1997, fish biomass at Kiritimati was double that observed in our study and was comprised of over 30% top predators, suggesting that large declines in the fish assemblage has occurred within just ten years as the human population rapidly increased due to deliberate relocation. Thus, the low fish biomass at these atolls most likely is due to fishing here, as in many places elsewhere (39, 63, 64).” “Over 50% of the reef fishery is composed of predatory species.” “The changes in reef fish assemblage structure are best described as a response to increased fishing pressure from Kingman to Kiritimati (Supplemental Data). Fishing pressure tends to disproportionately reduce densities of longer-lived, larger-bodied individuals (37, 38), which are frequently from higher trophic levels (39).”

Figure 3. Reef fish community composition in the northern Line Islands. Human population increases from left to right. Fishing is prohibited at Kingman and Palmyra though Palmyra was historically fished, Tabuaeran has subsistence fishing and Kiritimati has subsistence and commercial fishing. Redrawn from Sandin et al. (2008).

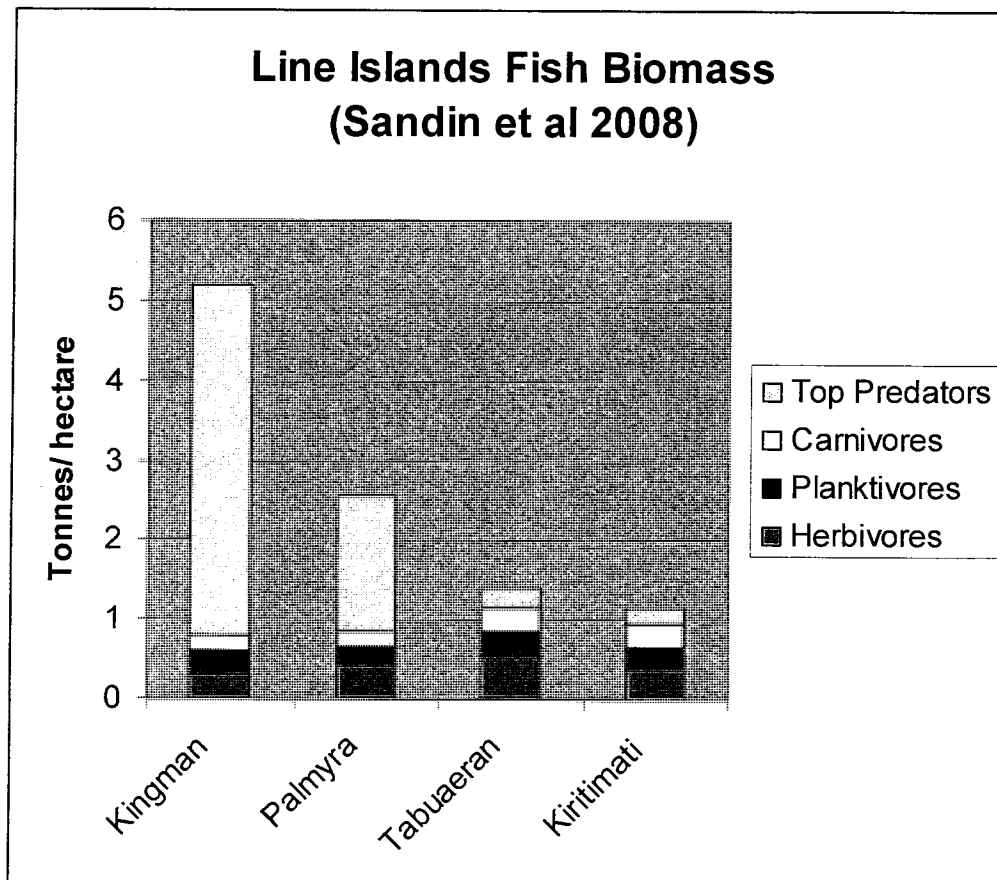
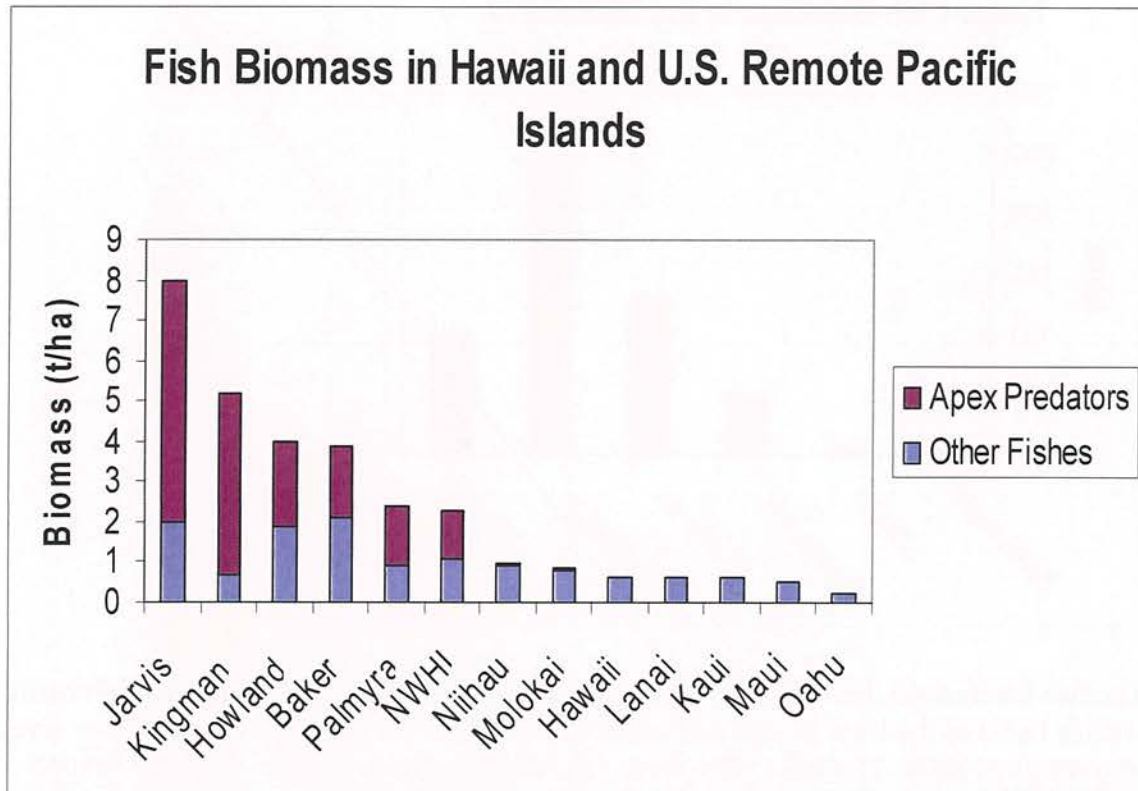
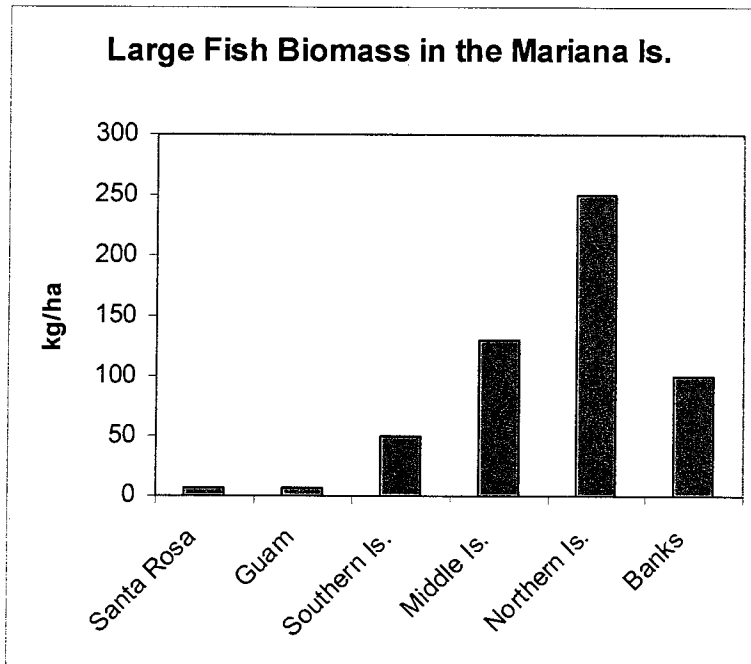


Figure 4. Fish biomass in Hawaii and the U.S. remote Pacific Islands. The latter are in the Line Islands (Jarvis, Kingman, and Palmyra) and the Phoenix Islands (Howland and Baker), which are all unpopulated. “NWHI” refers to the Northwest Hawaiian Islands, tiny islands to the northwest of the main Hawaiian islands which are the large islands with people. Redrawn from Wilkinson (2008), data from the Coral Reef Ecosystem Division of NOAA.



Studies of reef fish in Guam and the Marianas found that fish larger than 50 cm in length were much more abundant around the islands at the northern end of the chain. Human population is concentrated on Guam and the southern islands, while the middle and northern islands are uninhabited. One fisherman’s response to hearing that there were many more big fish at the northern end of the chain was “maybe that’s where we should hold our fishing tournament next year!”

Figure 5. Large fish biomass in Guam and the Mariana Islands. Santa Rosa is a reef just south of Guam, far enough from Guam not to be influenced by the sediment runoff that is often blamed for the lack of fish around Guam, but close enough to easily be reached by boat. Large fish are defined as fish over 50 cm (20 inches) in length. Human population is concentrated in Guam and the southern islands. Redrawn from Starmer et al. (2008).



The fish taxonomist, Dr. Gerry Allen, reports that in the remote and uninhabited Phoenix Islands (west of the Line Islands and south of Hawaii on the equator), in a one-hour dive, an average of about 15 sharks were seen. On many reefs near people, you may have to dive 25-100 or more dives to see a single shark. In the Phoenix Is., you would see about 375-1500 sharks in those 25-100 dives. 375-1500 times as many sharks. There are many differences between islands other than the intensity of fishing, which could produce these differences. However, in spite of all of the other differences, nearly every reef with people nearby has very few big fish left, and virtually every remote pristine reef that has been studied has high levels of these fish. In some locations the decline has been documented (as in the GBR, Fiji, Guam and Solomon Is. below). In fisheries science, overfishing has been defined as any fishing that is greater than the "Maximum Sustainable Yield." (MSY). That is because at MSY, the long-term fish catch by fishermen is maximized. (Maximum benefits to society are another question with additional considerations.) Most fisheries models say that MSY is at about 1/3 of the biomass of an unfished stock. So these big reef fish are not just overfished, at 1/375 to 1/1500th the biomass they are grossly overfished, and approaching local extinction. Modern fisheries science has tended to adopt a slightly more restrictive overfishing limit of "Optimum Yield." (OY). While OY is not defined exactly, it is a fish catch that is less than MSY to allow for uncertainties in the data and models, and variability in annual recruitment of new fish, and uncertainties in management. In addition, if there are deleterious ecosystem effects of fishing, OY would be set to a lower level of fishing to

avoid those effects. But no matter how you slice it, these big reef fish are grossly overfished. Overfishing benefits no one, including the fishermen, who can catch more on a sustainable basis if they fish less (at MSY). But each individual fisherman would catch more and make more profit in the short term if they were allowed to fish more, hence fishermen often push to be allowed to fish more than would be beneficial for them in the long term or for society as a whole. Essentially, to mine the fish out and let the future take care of itself. Legally, states must now manage public assets based on "Public Trust," the legal doctrine that the states manage public resources held in trust for all citizens. Thus, states legally must manage publicly owned assets for the benefit of all citizens, not just those who utilize those public assets for personal financial gain, like fishermen. Presently, the U.S. Federal Government is not restricted this way (Turnipseed et al. 2009).

A recent report from Australia reports that while the Cocos-Keeling Islands in the Indian Ocean (owned by Australia) and which have no fishing have abundant sharks, but sharks are much less abundant on the Great Barrier Reef (GBR) in areas open to fishing (which until recently was most of the reef) (Robbins et al. 2006). In the few tiny areas of the GBR where people are not allowed to go, sharks are abundant as in Cocos-Keeling. Surprisingly, in areas where fishing is not allowed but people can go ("no-take" areas), sharks are in low abundance similar to in areas where fishing is allowed. Apparently, people are poaching sharks in no-take Marine Protected Areas (MPAs), and only no-go areas provide enough protection. The authors were able to measure the rate at which sharks are declining on the GBR, and it is rapid. Fishing in Queensland (where the GBR is) is controlled by the Queensland Department of Primary Industries. They claim they have tightened up regulations (now each fisherman is limited to possession of only one grey reef shark or white tip reef shark) so it is well regulated. So each fisherman is limited to possessing one reef shark per day, or a maximum of 365 a year, and anyone can kill all they want and throw them back. The story is going around that fishermen who fish for coral cod (grouper) on the GBR and who make quite a bit of money off that, do not like to pull up just the head of a coral cod that a shark has eaten while it was on their line. So they deliberately catch sharks, kill them, and throw them back. All perfectly legal and unregulated.

Figure 6. Whitetip Reef Shark populations on reefs of the Great Barrier Reef, Australia. CK = Cocos-Keeling Islands of the Indian Ocean, NE = no-entry reefs, NT = no-take reefs, LF = limited fishing reefs, OF = reefs open to fishing. Redrawn from Robbins et al. (2006).

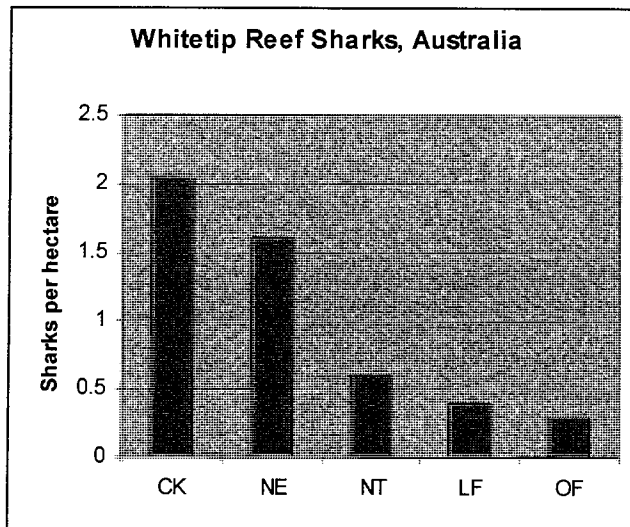
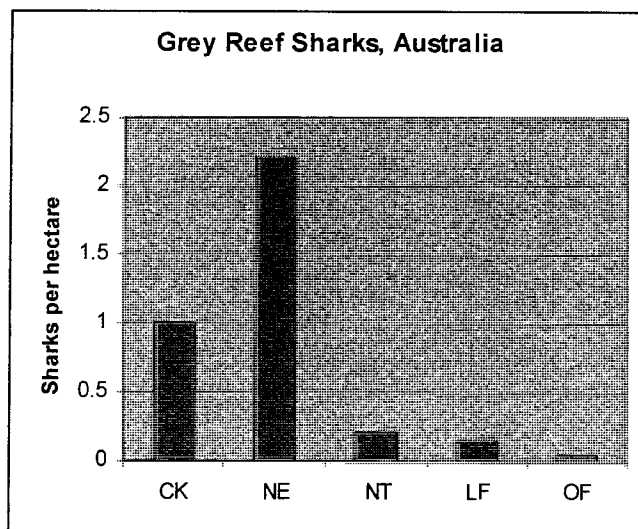


Figure 7. Grey reef shark populations on reefs of the Great Barrier Reef, Australia. CK = Cocos-Keeling Islands of the Indian Ocean, NE = no-entry reefs, NT = no-take reefs, LF = limited fishing reefs, OF = reefs open to fishing. Redrawn from Robbins et al. (2006).



Robbins et al. (2006) wrote,
“Our data suggest that for coral-reef sharks, immediate and substantial reductions in shark fishing will be required for their ongoing collapse to be reversed.”

”Together, these findings indicate that extirpation of these species from fished coral-reef ecosystems is an immanent likelihood in the absence of substantial changes to coral-reef management.”

“Inferred and projected declines such as ours appear sufficient to warrant “Critically Endangered” status under the IUCN Red List (A3d) criteria for this study area for both species.”

“Moreover, the magnitude of the population decline is severe: Median rates of population decline are 7% per annum for whitetip reef sharks and 17% for grey reef sharks. If current population trends continue unabated, the abundance of whitetip reef sharks and grey reef sharks present on legally fished reefs will be reduced to only 5% and 0.1% respectively, of their present-day no-entry abundance levels within 20 years.”

“The minimum change in mortality necessary to produce a median estimated population growth rate of 1.0 (i.e., population stability) was calculated for each species. Analyses indicate that reductions in annual mortality by one-third (36%) for the whitetip shark and one half (49%) for the gray reef shark would be required to halt these ongoing declines. However, with commercial catches of sharks nearly quadrupling on the Great Barrier Reef between 1994 and 2003, and recreational fishing also removing large numbers of sharks in Australia, the trend is strongly in the opposite direction.”

“For instance, on coral reefs, food-web models indicate that trophic cascades initiated by overfishing of sharks may have contributed to the collapse of Caribbean coral-reef ecosystems.”

The renowned coral reef scientist, J.E.N. “Charlie” Veron writes, “When I first worked on the Great Barrier Reef, I always felt a moment of anxiety after rolling backwards off the side of a boat to go for a dive. We all felt that. We waited for the bubbles to clear just to make sure that there wasn't a big tiger among the sharks that always gathered around. Now, anywhere in the Asian region, I swim long distances over deep water without the slightest concern, for there are virtually no sharks left, big or small. I haven't even seen big fish in any numbers around an Asian reef in years. The plight of sharks is symptomatic of what is happening to reefs.”

The vulnerability of sharks is highlighted in this quote from Nichols (1993):

“Sharks possess particular biological characteristics which render them especially susceptible to high fishing pressure, and as such, qualify them as a special case for management. As apex predators, they have few natural enemies. The biological characteristics of sharks – long lived, slow growth rates, low fecundity and reproductive rates (some species do not reproduce every year), long gestation period, relatively large size at first spawning, and strongly density dependent recruitment – result in shark fisheries being particularly sensitive to over-fishing.”

Knowlton and Jackson (2008) wrote,

“The areas of biggest concern for the immediate future are apex predators at the top, because they are globally so rare, and corals at the bottom, because of their continuing decline, apparent vulnerability to even modest local human impacts, and extreme sensitivity to all aspects of global change. Both risk extinctions if nothing is done to halt their global downward trajectories.”

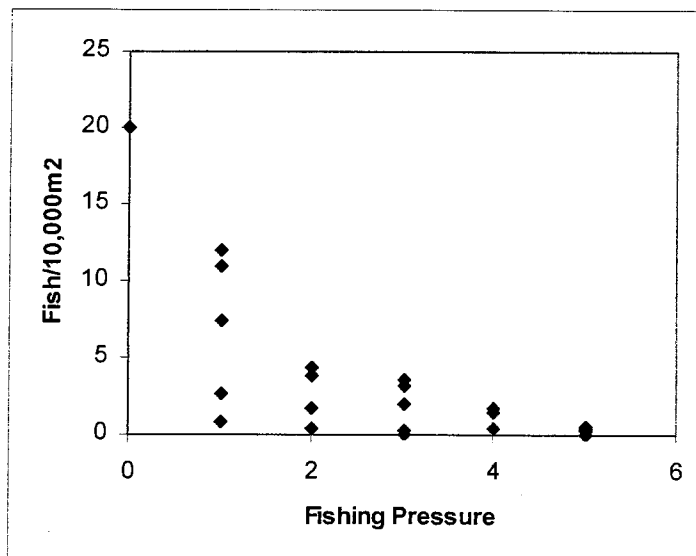
McKleod et al. (2005) wrote,

“The key interactions among species within an ecosystem are essential to maintain if ecosystem services are to be delivered. Removing or damaging some species can

dramatically affect others and disrupt the ability of the system to provide desired services. Small changes to these key interactions can produce large ecosystem responses. For example, the absence of large-bodied predators at the apex of marine food webs can result in large-scale changes in the relative abundances of other species.”

Humphead wrasse, also called Napoleon wrasse or Maori wrasse (*Chelinus undulatus*) are threatened by fishing like the sharks. These fish grow to be giants, up to 2.3 meters long (7 feet) and 191 kg (420 pounds), so more massive than most reef sharks. They are found in the Indo-Pacific, and feed mainly on shelled invertebrates. They are taken in the live food fish trade from an expanding area that covers much of the western Pacific, and sold in Hong Kong and Taiwan, where they fetch amazingly high prices. Because huge numbers are taken in the live food fish trade (the trade is worth around US\$1 billion per year), they have been put on the CITES list, which is to protect them from international trade that would deplete them. CITES enforcement is by the importing country. Taiwan and Hong Kong are the importing countries, and have a strong conflict of interest since their people are the ones that value eating these fish so highly. But they are also taken by local fishers wherever there are people. Their abundance is inversely correlated with the abundance of people- where the human population is greatest they are nearly absent, but where there are no people or fishing is not allowed, they are most abundant. The remote and uninhabited Phoenix Islands and Wake Island (a U.S. military base) have some of the most abundant populations known (Sadovy et al. 2003).

Figure 8. Abundance of humphead wrasse as a function fishing pressure, which was assessed partly by human population density, but also local fishing practices. Redrawn from Sadovy et al. (2003).



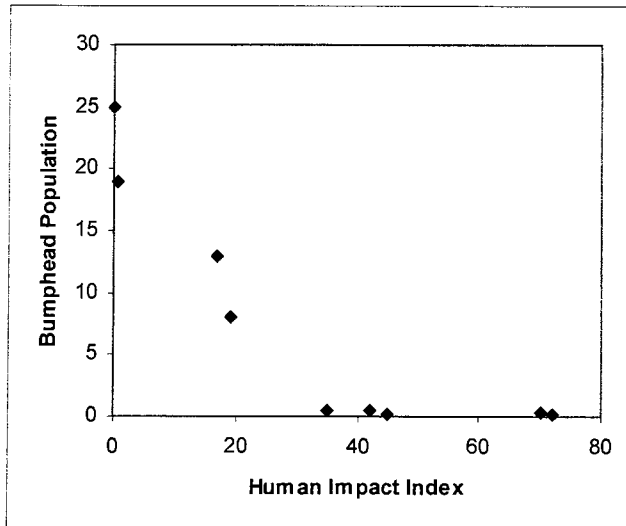
Sadovy et al. (2003) writes,

“This species is particularly sensitive to fishing pressure. In most fished areas, density and body size have dropped substantially. It appears to be particularly heavily

targeted and depleted in SE Asia and in some places faces extirpation.” “Other giant reef fish share many problems...” “...humphead wrasse in recent years fetching as much as US\$130/Kg at retail.” “Probable extirpations at edge of range sites signal the start of range reduction, an early step towards extinction.” “The prognosis for the persistence of exploited populations of *C. undulatus*, under current conditions and given the biology of the species is poor. Conservation and management are needed to ensure it persists in viable numbers wherever exploited.” “The humphead wrasse is particularly vulnerable to exploitation at anything other than the lowest levels of fishing pressure.” “Moreover, the ecological role of such large fishes is not well understood and it could turn out that they are key species for long-term ecosystem stability.”

Bumphead parrotfish (*Bolbometopon muricatum*) are another large reef fish that lives in the Indo-Pacific. They grow to 1.3 m (4 feet) long and 46 kg (101 pounds). They eat coral and algae, and commonly travel in schools of 30-50, though rarely schools can reach as many as 700 fish. Because of the large size and abundance of these fish, schools can be a large component of the fish biomass on a reef. On the Great Barrier Reef, they are most common near the reef crest at the northern end of the reef, though they also extend to the southern end. At night they sleep in the same schools, either in the open or in holes that are not large enough for them to completely fit into. They tend to sleep in the same area each night. As a result, they are particularly easy to spear at night with a waterproof flashlight and SCUBA. A fisher that finds where a school sleeps can return night after night to the same spot and spear them until the entire school has been extirpated. Populations once again are inversely related to human populations, with low populations where there are lots of people and many more where there are no people (Bellwood et al. 2003). C. Birkeland and G. Davis report that big schools of bumphead parrots were common in Guam in the 1960's, but they were spearfished out in the 1970's, and now they are rare. Hensley and Sherwood (1993) confirm that they are now rare in Guam; Dulvy and Polunin (2004) suggest they might be extinct on Guam. In spite of this, night spearfishing on SCUBA remains legal in Guam, and it is perfectly legal to spear as many bumphead parrots as you can find. If you can find any. Guam has a highly vocal fishing community. In Fiji, interviews with people revealed that when night time SCUBA spearfishing came to an island, the markets were filled with bumphead parrots, they were half or more of all fish in the markets. Now, in those same areas, they are rare and not seen in the markets. On some islands they have actually gone locally extinct (Dulvy and Polunin, 2004). In the Solomon Islands, in some areas they currently dominate markets, and areas near people, populations have decreased and fishers go farther to find more abundant populations farther from people (Aswani and Hamilton, 2004). Professor Howard Choat reports that a small group of spearfishers can fill a large skiff with them in a single night. Bumpheads spawn in groups, so it is possible that spawning is stimulated by the presence of a group (Hamilton et al. 2008). It may be that once populations are low enough that no groups are left, they have trouble spawning, and it is hard for them to restore their populations even if protected. Small populations could be doomed, so it may be important to not allow the last groups to be killed. It appears that bumphead parrots are particularly vulnerable to being extirpated by fishing, more so even than humphead wrasse.

Figure 9. Abundance of bumphead parrotfish as a function of human population density. Based on Bellwood (2003).



Hamilton et al. (2008) write:

“Preliminary studies have identified *B. muricatum* as a group spawning species, a behavioural trait that is frequently associated with over-exploitation.”

“The large size, schooling behaviour and nocturnal aggregation of *B. muricatum* make it a lucrative and highly prized target of many subsistence and artisanal nighttime spear fisheries in the Pacific.”

Bellwood et al. (2003) write:

“It is a major contributor to reef ecosystem processes and its absence highlights the potential for marked changes in ecosystem functioning.” “The absence of parrotfishes will impair normal recovery processes and constitutes a loss of ecosystem resilience...” “*B. muricatum*, in particular, is highly susceptible to spearfishing activity...”

Dulvy and Polunin (2004) write:

“This large conspicuous reef fish was formerly a prominent and abundant member of reef fish assemblages and catches, but is now encountered infrequently throughout large parts of its range.” “...this species may be extinct at the Marshall Islands and possibly Guam...”

Giant groupers (*Epinephelus lanceolatus*) in the Pacific (also called Queensland groupers in Australia) can get to well over 2.7 meters (8 feet) long and 300 kg (660 pounds). They appear to be rare everywhere, including reefs without people. However, the equivalent species in the Caribbean, the goliath grouper (*Epinephelus itajara*), which can get to at least 2.4 m (7 feet) and 310 kg (682 pounds, and possibly 455 kg or 1001 pounds!), is a different story. Although they are now rare in the Caribbean, in Florida there are pictures of the trophy catches from tourist fishing boats called “headboats” that paint a different picture. The old photos show lots of huge goliath grouper, sometimes a

whole row of them, from a single day's fishing by one tour boat. Today, the photo of the trophy board almost always has mostly smaller fish than that (McClenachan, 2008). But goliaths have been protected in the Florida Keys since 1990. Now if you dive there, you have a good chance of seeing a juvenile, maybe 3 feet and 100 pounds. Under protection, their numbers are increasing rapidly, though it will be some time until the giant sizes are reached. Meantime, some recreational fishing operators have discovered that there are fishers who find it extremely exciting to hook a huge fish, even if the hook is barbless and the fish is released. So there are tour companies that specialize in catch and release fishing for goliath grouper (see http://www.floridalighttacklecharters.com/gallery_extremefishing.htm). Meantime, problems are appearing. There are catch and release fisheries for other fish as well. When these smaller fish are released, goliaths and sharks quickly learn that the fish that is released is dazed and up in the water where there is no hiding place. So goliaths and sharks hang around some fishing boats and zoom in and eat the newly released fish. This does not please the fishers, they want to be able to catch them again. There are rumors of fishers catching sharks and/or goliaths and taking them off somewhere and killing them.

Fishing has long been known to usually remove the large fish first (e.g., Ricker, 1946; Jennings and Kaiser, 1998; Jennings et al. 1999; Pitcher, 2001; Dulvy et al. 2004). The incentive is for a fisher to go for the big ones, more to feed your family, or more to sell. In American Samoa, a fisherman who speared a large terminal male humphead wrasse sold it for \$120 (and got his name and picture in the newspaper). If he had speared the most common fish, a surgeonfish, it would have brought about \$1-2. So the big fish was 60-120 times more profitable per fish. Fishermen aren't stupid, they respond to these sorts of incentives. It is usually more profitable to take the big fish (though there are specific fisheries for small fish, such as anchovies, herrings, and sardines where large numbers can be found). You can even get a measure of fishing pressure by recording the sizes of fish present, the more fishing the fewer big ones (Graham et al. 2005). Over decades, fishing can begin with the largest fish, then once they are depleted move to the next size fish, and so on down to the smallest that are still profitable. This is called "Fishing down the food web." (Pauly et al. 1998; Pauly and Palomares, 2005) Think of the size range for reef fish- if reefs in an area have 1000 species of fish, how many are large enough that people fish them, and how many are so small no one would fish them? The most diverse families of fish on reefs are gobies and damselfish, and they are too small to be fished by any but the most desperately poor fishers. So at the small end of the size range on reefs, there are huge numbers of species that are too small to be fished. At the large end of the size range, there are just a few species, which are highly prized catches. Trophy catches are the largest fish, not the smallest. Fishing pressure increases with the size of the fish. In addition, the numbers of individuals in a species decreases with the increasing size of the species. There are huge numbers of damselfish on most reefs, but even on unfished pristine reefs where half of the biomass is large fish, there are many fewer sharks, bumphead parrots, humphead wrasse and giant grouper than damselfish. Even at Kingman Reef, where apex predators are 85% of the biomass, they represent a minute portion of the total number of reef fish individuals, which are dominated in number by tiny planktivores (Sandin et al. 2008). The most abundant fish species on reefs where it occurs is a surgeonfish that reaches just 26 cm length. All this is because the larger the size of the individual, the more it takes to feed them. A reef can

feed vast numbers of damselfishes, but only a limited number of sharks, humpheads, bumpheads and giant grouper. So, big fish are less abundant than small fish, and more heavily fished. The result is that they are much more rapidly depleted than small fish.

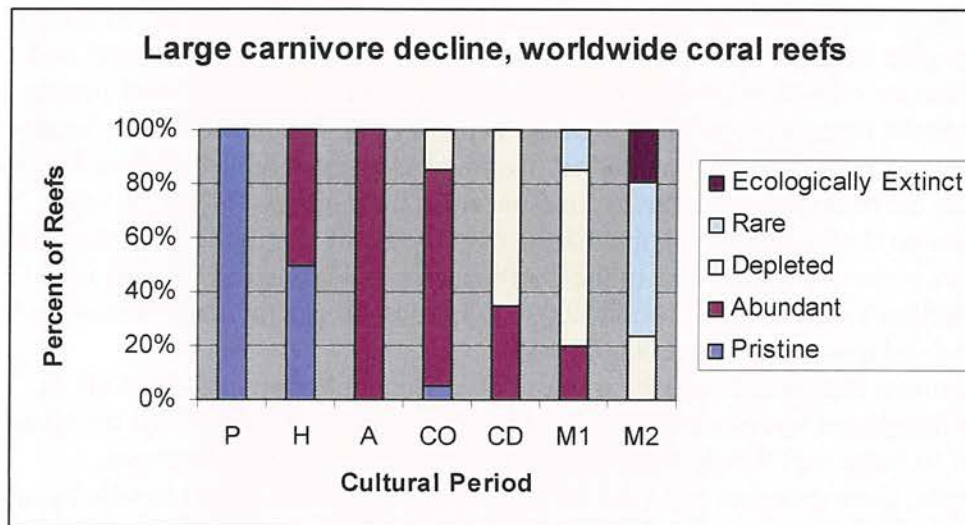
There is now a quantitative measure of vulnerability of fishing, which incorporates a variety of things about fish that make them vulnerable to fishing (Cheung et al. 2007). There is a website with a wealth of information about all the different kinds of fish around the world, called "FishBase" (www.fishbase.org). That website gives information on each species of fish. For each species, it now gives the "vulnerability index." The index has a range from 0 for no vulnerability to 100 for maximum. Each of the different kinds of the largest reef fish, like sharks, humphead wrasse, bumphead parrotfish, and goliath grouper, all have vulnerabilities on the order of about 75 (out of 100). Small fish have much lower vulnerabilities, often on the order of 25-35. The striped bristletooth (surge wrasse), *Ctenochaetus striatus*, is one of the most abundant reef fish most places where it is found in the Indo-Pacific (Lieske and Myers, 2001). It has a vulnerability less than 14. The largest species of reef fish are highly sensitive to fishing, but the small fish are much more resistant to fishing, with the most abundant species being highly resistant. Sharks reproduce in a way that makes it particularly hard for them to recover quickly from fishing. Unlike bony fish, they produce a few large pups, instead of masses of tiny eggs. Reef sharks typically have about 1-5 pups, once a year or every other year. Thus, their ability to increase in population rapidly is extremely limited. By contrast large female bony fish can release millions of eggs a year. The probability of survival of a single tiny fish egg (likely about 1 mm or 1/16 inch diameter) is minute compared to the probability of survival of a single shark pup. The larger the individual the better the chance of survival. But if conditions are just right, a large bony fish can have so many offspring survive they can replenish their population in one year, but that is quite impossible for a shark (or ray). Once depleted, large fish and sharks in particular, can be kept at low levels indefinitely by small amounts of fishing. Just the small amount of poaching in no-take areas on the GBR was enough to deplete the sharks there.

Fishing always removes fish, and almost always results in a decrease in fish abundance and biomass. The total biomass of fish on reefs is higher on more lightly fished reefs, and lower on more intensely fished reefs (Figures 1-4; Knowlton and Jackson, 2008; Birkeland et al. 2008). Much of those differences come from the removal of the big fish (Figures 1-4; Birkeland and Friedlander, 2001). If only large predators are removed, then their prey can actually increase in abundance (Graham et al. 2003). However, in most cases smaller fish are taken as well as the large predators, and smaller fish decrease as well as the large fish, because although they are released from predation by predatory fish, they are taken in even larger numbers by predatory humans. So, for example, in Hawaii there are less small fish than in the NW Hawaiian Islands, even though there are only very low levels of apex predators (Figure 1).

The degradation of coral reefs around the world has only been recently recognized, but it has been going on for a long time. Only recently have studies of near-pristine reefs and historical records shown how degraded most reefs are, and how long this has been going on. The historical studies confirm that the big fish were depleted before the small fish (Pandolfi et al. 2003; 2005). Tropical megafauna once included amazing numbers of monk seals and sea turtles, millions of the latter. They were the first to go when westerners arrived (Jackson, 1997). There is even archeological data showing the decline

of reef fish stocks before westerners arrived (Wing and Wing, 2001). On land, humans have been implicated in the extinction of large mammals and birds, which often disappeared about the time humans arrived on a continent such as North America. While the megafauna disappeared, the smaller species survived. Mice and rats do particularly well.

Figure 10. The decline of large predators on reefs around the world. Redrawn from Pandolfi et al. (2003). Cultural periods are: P = prehuman, H = hunter-gatherer, A = agricultural, CO = colonial occupation, CD = colonial development, M1 = early modern, M2 = late modern to present.



Pitcher (2001) stated,

“For terrestrial mammalian megafauna, and associated specialized carnivores and scavengers, a pulse of late Pleistocene extinctions throughout the world coincides with the advent of cooperative hunting behavior and technology as modern humans spread around the globe.” “In the past 100,000 years North America has lost 73%, South America 79% and Australia 86% of endemic genera of terrestrial megafauna.”

Jackson et al. (2001) state that for reefs:

“Historical abundances of large consumer species were fantastically large in comparison with recent observations.”

Sandin (2008) et al. wrote:

“Early historical accounts of coral reefs describe an abundance of sharks and other large fishes and luxuriant coral growth that seem incredible in the context of today’s coral reefs and modern reef science (1-6). Quantitative surveys conducted as recently as the 1980’s report surprisingly high densities of predatory fishes (e.g., sharks and groupers) and corals (7-9). In contrast, most recent accounts of reefs largely describe dramatic declines of entire guilds of large fishes and corals (10-15). The decline of large predators is believed to affect strongly patterns of trophic flow in marine communities (16, 17)”

Jackson (1997) wrote:

“Megavertebrates are critical for reef conservation and, unlike land, there are no coral reef livestock to take their place.”

How much is a big fish worth in the fish market? A hundred dollars or more? That's a lot to a poor fisherman in a developing country. But how much can a dive operator charge to take a diver to see that fish alive on the reef? \$50 or more? Divers go nuts over really big fish, they are so exciting. How about a boatload of divers? How about a boatload of divers every day? How much total money do those divers spend on hotel room, dining, car rental, souvenirs and airfare? How many people are employed by all those businesses? A single, huge, famous fish can have divers spend over a million dollars a year to see it. Alive, that fish is made of solid gold. Dead, it's worth about four orders of magnitude less. Mind you, you have to be in an area where you can attract divers, but diving is much more sustainable than fishing, and the goose can go on laying the golden eggs year after year. Does it make sense to kill the goose?? If the hotel and the dive operation are owned by people from developed countries, then the local people may get little benefit from the big fish in their own country. So I prefer to stay in locally owned hotels and go with local dive operators. Tourism associated with the Great Barrier Reef is a roughly \$2 billion a year industry, and provides far more income to Australia than the fisheries on that same reef. Tuna fishing over the entire Pacific is something like \$2 billion dollars a year. Reef tourism in the Caribbean is something like \$6 billion a year, and it is similarly large in the Florida Keys. Reef tourism is a far larger industry than reef fishing and even larger than tuna fishing.

Australia protects humphead wrasse, as does Niue. Palau has now protected all its sharks, plus its humphead wrasse and bumphead parrots. American Samoa has promised to protect all of its large reef fish species, including all sharks, humphead wrasse, bumphead parrots, giant grouper, and giant trevally. They would be illegal to take by any means, throughout the territory, at all times, for all sizes of those species, by anyone. The promise is to protect them on the basis that they are uncommon or rare, and they are exploited, and thus there is a possibility that the exploitation could drive them into local extinction. It is much easier to demonstrate that a species is rare and exploited than to prove it is overfished, so this may be a rationale for protection that has wider applicability.

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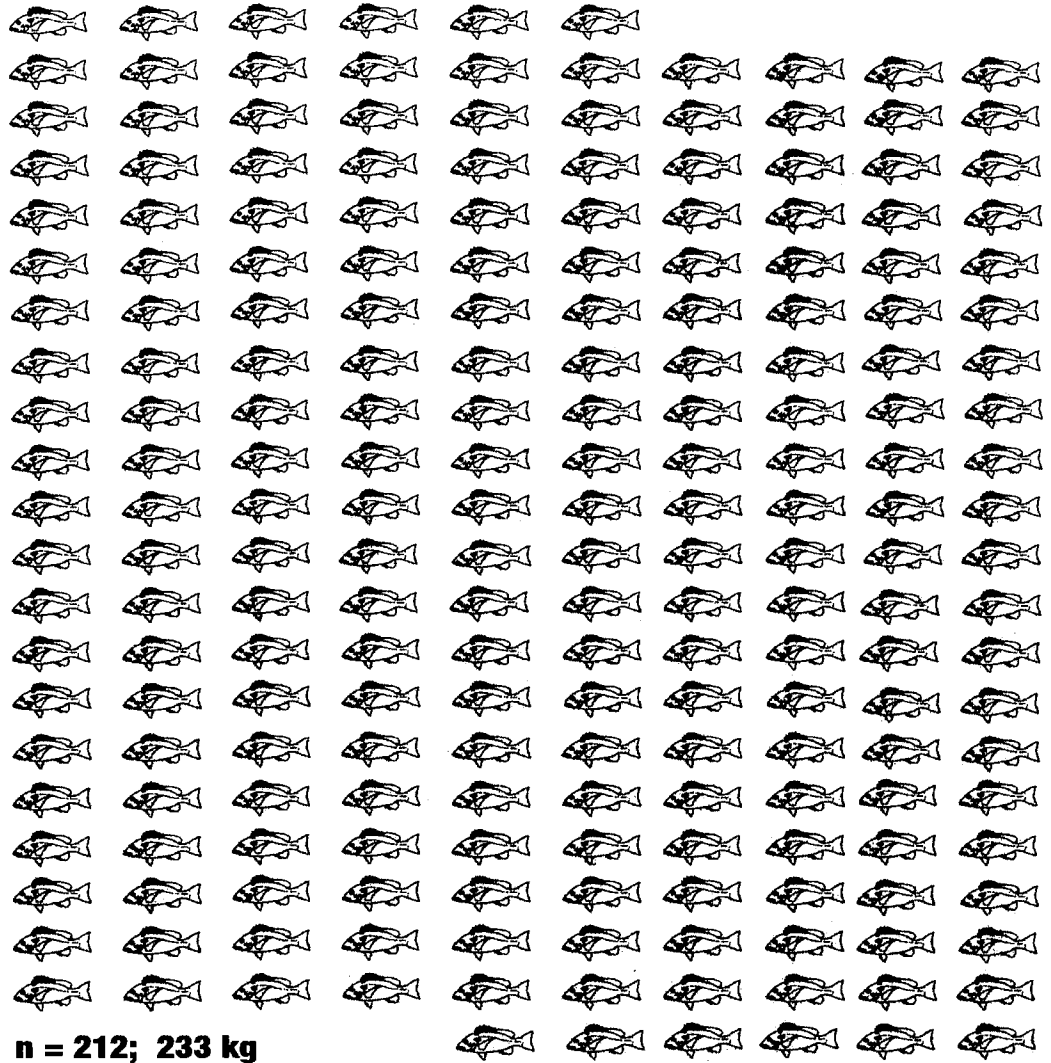
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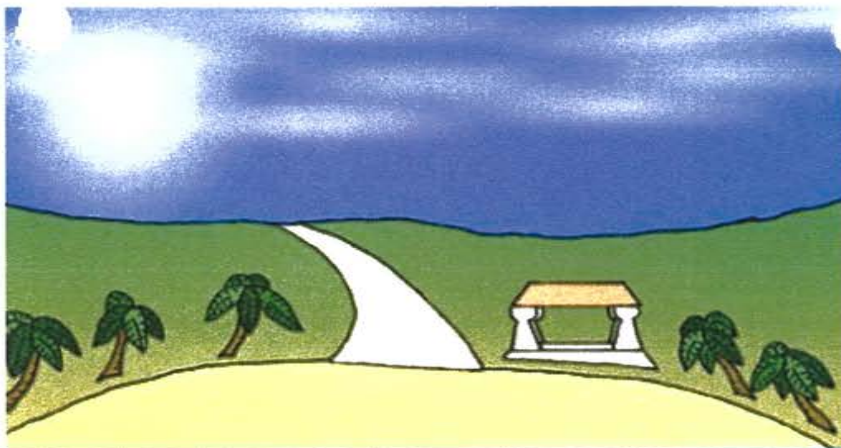


1 m

n = 1; 12.5 kg



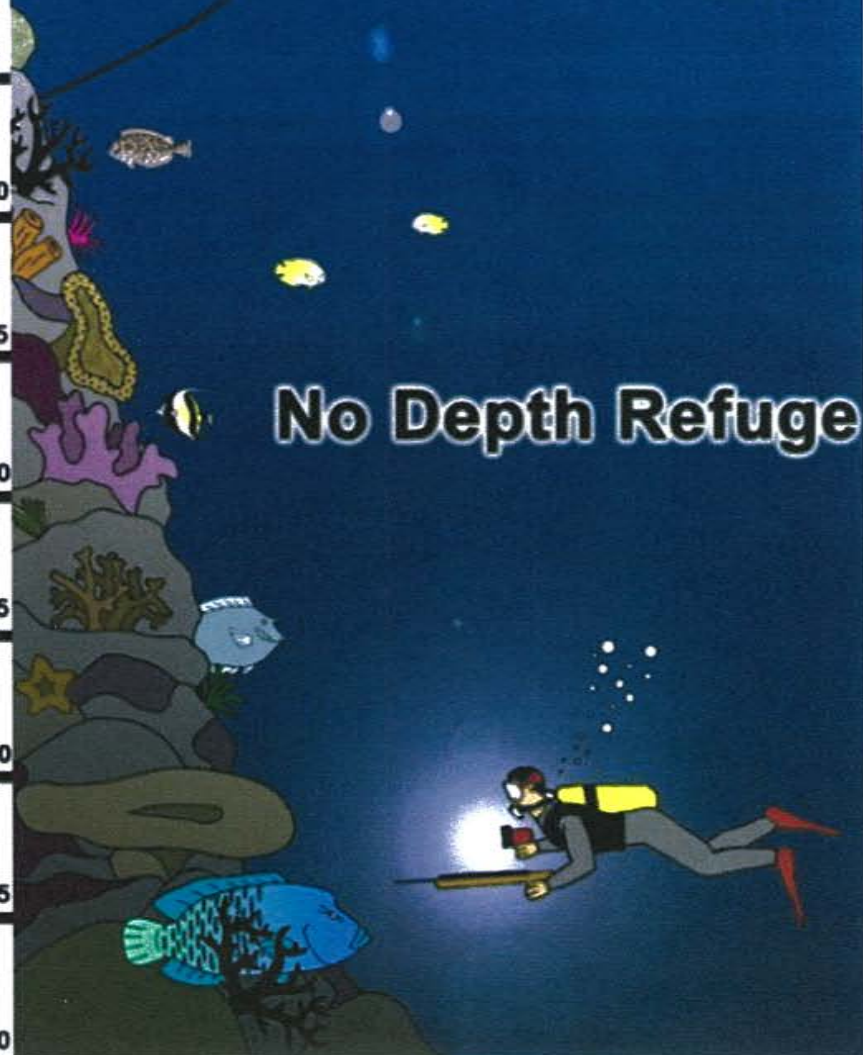
n = 212; 233 kg



Depth Refuge



No Depth Refuge



Hafa Adai Senators,

My name is Jacob Garrido. I am from the village of Dededo. I am in support of bill 53-35 to prohibit fishing with the use of SCUBA and other underwater breathing apparatus.

Implications of this bill increases the growth and lifespan of our sea life. It also creates and allows for growth within our reefs to support our ecosystem. Bill 53-35 is our chance to preserve the future of our island's underwater life in hopes of allowing the next generation a chance at the experience. Promotion of sustainable living is part of the reason I am in support of. Present on our island, we have families that depend on the ocean to feed themselves. With the use of SCUBA and other breathing apparatus, the hunter gatherer is at a great advantage.

The continuance of cultural practices by the natives and other island people residing on Guam is another reason for my support. To a few people, fishing is a way of life. It's gathering together with family, friends and acquaintances enjoying each other's company along with catching dinner. These practices will soon be short lived if we continue to allow the use of such capabilities. With bill 53-35 we are being proactive and taking the necessary step to ensure that these practices and family time continue.

In closing, I am in support of bill 53-35. I support the ban to prohibit the use of SCUBA and other underwater apparatus. I like to thank the senators for their time and efforts in the attempt to preserve what we have left. Ultimately this is a step in the right direction and I commend the senators behind this movement.



Charlene Flores <charlene@senatorperez.org>

Fwd: In support of Scuba Fishing Ban Bill 53-35- very important

Office of Senator Sabina Perez <office@senatorperez.org>

Wed, Feb 27, 2019 at 3:18 PM

To: sabina@senatorperez.org, Charlene Flores <charlene@senatorperez.org>, Cyrus Luhr <cyrus@senatorperez.org>, Rick Salas <richard@senatorperez.org>

Begin forwarded message:

From: <davehayner@vcsgllc.com>

Date: February 27, 2019 at 1:36:21 PM ChST

To: <speaker@guamlegislature.org>, <senatortcnelson@guamlegislature.org>, <officeofsenatorshelton@guamlegislature.org>, <office.senatorkelly@guamlegislature.org>, <senatorbiscoelee@guamlegislature.org>, <senatorjoessanagustin@gmail.com>, <senatorterlajeguam@gmail.com>, <sen.cridgell@teleguam.net>, <senatorpedo@senatorjpterlaje.com>, <office@senatorperez.org>, <wilcastro671@gmail.com>, <senatorlouise@gmail.com>, <senatortelot@gmail.com>, <senatormoylan@guamlegislature.org>, <senatormary@guamlegislature.org>

Subject: In support of Scuba Fishing Ban Bill 53-35- very important

Dear Senators, as a member of a large group of avid local divers and underwater photographers, we implore you to support Bill 53-35 which bans "Scuba Fishing" on Guam, a very unsportsmanlike practice that has been banned in 63 Countries including the CNMI. Our group dives several times a week over Guam's reefs and the large breeder fish are almost completely wiped out! It can take 20 to 30 years for some of these fish to mature to these sizes and they have been decimated by Scuba fisherman whereas our island neighbor Rota has a very healthy, large fish population. If this nontraditional practice is allowed to continue, the health of our fish population and the reefs are in jeopardy not to mention the deep impact to our tourism, recreation, the dive industry and many other Guam businesses will be impacted. To the Fishing Co Op's own published position there are only ten Scuba Fisherman on Guam and look at the tremendous amount of impact they have had on our Large Fish populations. Please consider the good of the majority over that of a few. I support Spearfishing (with snorkel and mask not Scuba) as does most of the rest of the world, where legal and not in protected areas such as Tumon Bay and at Fisheye. Please vote in support of the is bill.

Thank you Senators Perez and Ridgell for proposing this important legislation.

Regards,

Dave Hayner

Sinajana

Good afternoon senators. First, I would just like to say that fishing with SCUBA wouldn't be necessary, not if greed didn't exist. But of course, it does. In anybody and everybody, at different levels, in one form or another.

Naturally, whenever we win something after working hard and trying our best, we feel good. Although, as humans, the most intellectually advanced species on this earth, we create things. Things that allow us to do tasks easily and at times, with no effort. If we use these sort of things to get something, then eventually, the reward would lose its value, and cause us to want more and effortlessly get more. Fishing with SCUBA is a prime example.

Since we are now able to breathe underwater and harvest for hours on end, any time of day, in deeper waters, where fish take refuge from predators, and at night when fish are most vulnerable, it becomes too easy to harvest. And because we are so advanced and use these things on such a delicate resource (reef fish), it creates an imbalance. Fishing with SCUBA is an imbalance in nature.

Also, its not fair for the less fortunate fishermen who rely on this resource for food. So it becomes a competition in many ways. And because SCUBA fishing is so easy, it takes away the fun and value of fishing, and soon, the activity will go extinct because what we use is too advanced. But just like any other activity, what makes it fun, fair, and last for the future are rules. Which is why we believe this

bill is crucial for the average fisherman and for Guam. It's simply against unsustainability. And this island needs sustainability.



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Banning spear guns while of SCUBA

1 message

davelotz@ite.net <davelotz@ite.net>
To: sen.cridgell@teleguam.net, office@senatorperez.org

Thu, Nov 14, 2019 at 8:17 AM

Senators Ridgell and Perez:

I support the legislative efforts to ban spear guns while using SCUBA.

Thank you,

Dave Lotz

Personal Statement from Victoria Manley in support of their Ban on SCUBA-Spearfishing

November 13, 2019

I have personal concerns for Guam's reefs and economy if we do not ban SCUBA spearfishing. We need to give to our oceans our time and effort. We need to create positive impacts rather than over-exploiting our resources. In order to have healthy and sustainable reef fish populations, we must carefully consider allowable fishing methods. Using SCUBA gear while spearfishing is a destructive method that allows fishers to go deeper and stay down longer than free diving. While SCUBA allows fishers to be more selective about the size and species, studies show that divers select larger individuals that would have contributed the most in terms of reproduction. For example, large females produce more eggs than smaller females, but are targeted more by SCUBA fishers because of their size. Further, when a species has been thoroughly depleted, a new one will be hunted. A pattern repeats of over-exploitation. I recognize that for some people, fishing is necessary to feed or support their families. However, if SCUBA spearfishing is allowed to continue, reef fish stocks will be depleted and everyone loses. There is more to gain by protecting reef fish populations, than there is in overfishing and depleting.

Spearfishing with SCUBA gear dilutes the experience our visitors hope to have when they come to Guam. Visitors want to experience the natural beauty we have to offer that they do not get to see at their homes. Our visitors provide much needed revenue for Guam. One SCUBA diving trip can range from \$35 - \$65 per individual to see marine animals in their natural habitat. Rather than investing in SCUBA gear, harpoons, spears, coolers, and a boat for a practice that will soon deplete our fish stocks, fishers could switch to ecotourism. In Australia, fishing tourism yields 440-770 million US dollars per year (1). A research study in Hawaii found that diving tourism earns 20 times more than harvesting fish (2). There is more potential revenue to be gained in protecting our marine animals than in over-exploiting them.

My last concern is the negative impact that consuming fish can have on people's health. Due to human activities, most marine species have trace amounts of toxic chemicals that leach from our disposed items. According to People for the Ethical Treatment of Animals organization, also known as PETA,

“Fish’s bodies absorb toxic chemicals in the water around them, and the chemicals become more concentrated as they move up the food chain. Big fish eat little fish, with the bigger fish (such as tuna and salmon) absorbing chemicals from all the other fish they eat. Fish flesh stores contaminants, such as (Polychlorinated biphenyls) PCBs, which cause liver damage, nervous system disorders, and fetal damage; dioxins, also linked to cancer; radioactive substances like strontium 90; and other dangerous contaminants like cadmium, mercury, lead, chromium, and arsenic, which can cause health problems ranging from kidney damage and impaired mental development to cancer. These toxins are stored in the body fat of humans who eat fish and remain in their bodies for decades.” (3)

Our island needs to take a stand and become proactive advocates for our marine life, the health of our economy and the health of the people. We must follow the examples to our neighboring islands who have chosen to ban SCUBA spearfishing, as well as be an example for those who still allow it.. Guam’s unique marine environment consists of a variety of corals, reef fish, aquatic mammals and undiscovered species. With all that Guam has to offer we, the concerned members of the community, do not support spearfishing with SCUBA equipment.

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3. “Think Fish Is a Health Food? Think Again.” *PETA*, PETA, 24 June 2010, www.peta.org/living/food/think-fish-health-food/.



November 13, 2019

Office of Clynton E. Ridgell
Senator – 35th Guam Legislature
238 Archbishop Flores Street, Suite 906
DNA Building, Hagåtña, Guam

Re: Notice of Public Hearing on Bill No. 53-35 (COR): November 13, 2019

Dear Senator Ridgell,

I am the National Coral Reef Management Fellow at the Guam Bureau of Statistics and Plans, under the Guam Coral Reef Initiative. I have been a Guam resident since January 2018. I have a Master's degree in Marine Biodiversity and Conservation from Scripps Institution of Oceanography at the University of California San Diego. I am submitting comments in complete support of Bill 53-35 to ban fishing with the use of scuba and other similar devices in Guam. I am deeply concerned about the impact scuba spearfishing is having on Guam's reef fish populations, coral reefs, and marine environment. Reef fish targeted by scuba spearfishing are needed to maintain the health and delicate balance of our marine environment for future generations, they contribute greatly to our tourism economy, and scientific evidence supports the need for timely action on improved fisheries management on Guam.

- Guam lost 47% of total fish biomass in only four years, from 2011 – 2014. Guam lost 53% of total fish biomass from 2011 – 2017. This is a very rapid and alarming decrease, and our fish populations desperately need a chance to recover. (*NOAA US Coral Reef Monitoring Data Summary 2018. NOAA Coral Reef Conservation Program. NOAA Technical Memorandum CRCP 31, 224 pp.*)
- Reef fish are integral to the health and vitality of our coral reef ecosystems. Most fish targeted by scuba spearfishing are herbivorous, meaning they eat algae off the reef. These fish species are critical in maintaining the delicate balance of algae on coral reefs; without sufficient populations of herbivorous fish our coral reefs will become smothered in macroalgae and die. There will also no longer be availability for hard substrate for new coral recruitment.
- Adequate fish biomass is needed not only to support the health of our coral reefs, but to support Guam's tourism industry. The Nature Conservancy's Mapping Ocean Wealth Portal estimates \$323 million is generated annually to Guam's local economy by coral reef-related tourism (*Spalding et al. 2017*). Guam Visitors Bureau visitor exit surveys show 30% of visitors choose to visit Guam because of the marine environment (Guam Visitors Bureau 2018). Lastly, in a 2016 survey of over 700 residents, 89% of residents agreed that healthy coral reefs attract tourists (*NOAA Coral Reef Conservation Program; NOAA National Centers for Coastal Ocean Science 2018. National Coral Reef Monitoring Program: Socioeconomic surveys of human use, knowledge, attitudes, and perceptions in Guam*). It is critical we ensure our coral reef ecosystems and reef fish populations, which are the target of harmful scuba spearfishing practices, are maintained for the viability of our tourism economy and for future generations.

- The use of scuba while spearfishing cannot be attributed to cultural practice. Scuba, or self-contained underwater breathing apparatuses, is modern technology. It is estimated scuba equipment first became of use in Guam in the 1960's (*V Brown. 2009. Final Report for RFP/BOSP-010-007. To Identify, Map and Analyze Basic SCUBA Instructional Sites and Develop Plans to Help Reduce Pressures on Guam's Coral Reefs*). The claim scuba spearfishing is ancient CHamoru practice is simply false. On the contrary, healthy marine ecosystems with bountiful fish are a part of Guam's cultural heritage and identity. A 2016 survey of over 700 residents found 97% of residents agree reef resources are important to Guam's culture. In the same study, 70% of the 712 residents surveyed were in support of restrictions on scuba spearfishing (*NOAA Coral Reef Conservation Program; NOAA National Centers for Coastal Ocean Science 2018. National Coral Reef Monitoring Program: Socioeconomic surveys of human use, knowledge, attitudes, and perceptions in Guam*).
- As Guam's National Coral Reef Management Fellow, I have been working diligently over the past two years to reduce impacts of tourism and recreational use on Guam's coral reefs. There are significant behavior changes and action needed from marine tour operators to help protect our coral reefs. I am unable to gain active participation from these stakeholders, in part, because of a perceived lack of regulation on other impacts much more obvious to the health and integrity of Guam's coral reefs, such as the sustainable management of fisheries. I frequently receive backlash from the marine tourism stakeholders I work with on the opinion of the Government of Guam's failure to adequately manage harmful fishing practices such as scuba spearfishing. I request your support in addressing this issue so we can begin to address all of the impacts affecting Guam's coral reefs, comprehensively.

I ask you to please consider the broader needs of the community, the economy, Guahan's cultural heritage, and future generations by moving forward with the prohibition of fishing with the use of scuba and similar devices in the waters of Guam or in any vessel in the waters of Guam. I also ask that you ensure timely and clear rules and regulations accompany the bill so the law can effectively be implemented. Finally, I would request that you include motor transportation such as vehicles into the law, so that scuba gear and spearfishing equipment may not be allowed in the same automobile. This will help enable feasible enforcement of the law, which is in my opinion, environmental conservation's biggest challenge.

Sincerely,

A handwritten signature in cursive script that reads "Mallory Morgan". The signature is written in black ink and is positioned above the typed name.

Mallory Morgan
National Coral Reef Management Fellow
Guam Bureau of Statistics and Plans



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Scuba

1 message

72shar72 . <sharjj97@gmail.com>

Wed, Nov 13, 2019 at 10:20 PM

To: office@senatorperez.org

Cc: sen.cridgell@teleguam.net, speaker@guamlegislature.org

November 4th, 2019

Senator Sabina Perez

35th Guam Legislator

Terlaje Professional Building
194 Hernan Cortes Ave, 1st floor
Hagatna, Guam

Committee on Environment, Revenue and Taxation and Procurement

Buenas yan Hafa Adai Senator

Your proposed bill to ban scuba fishing has me extremely concerned and heartbroken .

Yes, I am opposed to it.

I do understand why you would believe this should be passed, however, you are basing your findings on data that is old, 10 years old, and a lot can change in 10 years. As a matter of fact, the NOAA has compiled data that doesn't seem to support anything on your bill. Blaming SCUBA fishing for the "alarming decline in certain types of fish stocks". The report entitled "Stock Assessment of Guam Coral Reef Fish, 2019" by Marc O. Naden does not support a decline in any of the 12 species that were chosen for the report. As a person who works as a Fish handler, two of the most requested fish by customers is a part of the Assessment report. It does not blame SCUBA fishing for anything, doesn't even claim a decline in our reef fish, it paints a very different picture. A positive one in fact. As I said, a lot can change in 10 years.

I can go on and on about what this report has in it, it is 107 pages long, but I am sure you will want to read it for yourself. As the Chairwoman for your committee and also a human rights activist, you will want to be kept well informed. What I want is for you to understand what impact the passage of this bill will have on my family, the most, caring, loving, compassionate, kindest people of whom I work for and those I work with. And the many customers who love to be able to purchase locally caught fish without having to pay such high prices. We all know just how cost of living here on our beautiful island is extremely high and only getting higher.

I am a parent of an adult child with severe disabilities. We were a one income family, doing the best we could to survive. It was such a struggle for us, maintaining the roof over our heads, utilities, household supplies, food, car maintenance costs, gas..and a child with disabilities, my son. For all his life, I will be buying diapers, babywipes, gloves..stuff most parents get to stop buying, but not us. Most times we managed and too many times I would breakdown because I didn't know if we would have enough to even just gas the car for my husband to get to work. All that changed when I met the owner of the fish market and asked if I could work there, the days and the hours were perfect, because it meant myself or my husband would be with our son. And a little extra income would be a tremendous relief. Little did I know what a huge impact it would have on my life. I have learned so much about fish, our reefs, our island and most importantly the many people who have shared their ww2 stories with me, or even about Guam long ago. I have grown to love the place I work a, the people who I work for and with. And the many who frequent the store to buy locally caught, fresh fish and tell of the stories that a certain fish would trigger.

The passage of this bill would cause the owners to shut down because it's too costly to import fish and I for one, have had so many of my customers saying the imported fish they will never buy. The closing of the store will not only cause my family to struggle all over again but also the two others I work with. And most likely my family may end up on the streets because one income is not enough to keep a roof over our heads, food on the table, and the much needed supplies for a child like mine. Who is blind, autistic, and the mind of a toddler .

As a Guam native, a concerned individual, and just someone who loves her family, island, the place I work at has become a second home, and I love being there.

I, Mrs. Sharlene Marie Pablo Cruz Ngirarois, humbly request that this bill be removed to prevent the negative impact it can cause, but mostly because new data has proven, that our local fishing community, has in fact made efforts to stop overfishing. As the report by the NOAA research states "The population growth of (specific fish species) has been stable over the last few years."

Thank you.



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Public Testimony Bill No. 53-35

1 message

Matthew Orot <matthew.orot@gmail.com>
To: sen.cridgell@teleguam.net

Wed, Nov 13, 2019 at 1:11 PM

Hafa A dai.

I am writing to show concern over the rushed proposed ban on scuba fishing.

I have been involved in the fishing community my whole life. Particularly, involved in the fishing practices around the agana marina. I have seen fishermen come and go, whether that be age, health, or even lost of interest. Today, I actively participate in as many fishing related events as possible. I feel the information I have gathered is well to represent the small portion of fishermen on our island.

Please remember that a scuba tank is a TOOL. A hammer used for a nail is a good tool, as it is used for its purpose. Now a hammer used to assault someone is an abuse of a tool. Please keep in mind that it is the person holding the tool that has the power.

The Department of Agriculture's Division of Aquatic and Wildlife Resources, Creel survey is the only source of documenting fishing activities throughout our island. The study has even shown for stock assessment that the creel survey is NOT an effective source of data, however it is the "best available data". Please ask the chief of DAWR if I am wrong. Please see how consistent and effective these surveys are taken and the matter it is taken. I have been fishing from shore and on a boat as a deckhand then eventually as a captain in 2009. The Creel surveys are NOT accurate to rely on data that will change the lives of the people on Guam. Senators, I please only ask to see how the data is acquired.

Scuba fishing, particularly spear fishing, abused could be very destructive while targeting the same area and species. I whole heartedly agree with the other party. Let me ask you this, Did you know that there are miles of reefs within our zone throughout our area? I ask you to think about this. The NOAA fisheries on the Marianas fishing survey of 2018 have shown that the average boat size of Guam is 20'. A 20' boat has a limited travel range to be around the island. Imagine the possibilities IF we worked together with these scuba spear fishermen, taught them size limits, properly tooled them and educated on our resources and harvested from these places. Providing a legitimate job to our community and provide accurate data. Along with the boats, states that 19% of the fishermen on Guam spear fish. Even with in the 19% a smaller percentage scuba spear fish. Let us look to handling our situation in respectful and cultural manner that we can adapt. The island would have the ability to feed ourselves while benefiting ourselves. If you do not believe me, please look at a nautical chart within our EEZ.

Every form of fishing is hard from free diving, scuba, trolling, bottoming fishing and the list goes on. Fishermen are faced with so many obstacles to fish. I personally do not dive because I was not taught. I am scared. The fact that keeps it going through generation is that the practice was TAUGHT. Scuba fishing has been done since the 60s but has only been an issue when the cultural aspect was lost. For example, the older local scuba fishermen often say "we never shot fish that small" or "we never targeted that species", and so forth. The point I am trying to say is, The different cultures that come to Guam need to be respected for what they do on their island but also need to respect our traditional targeting habits. We need to work together to actively educate and adjust our habits.

Please let me know if you would like to hear more points or like more information on the points I have raised

In the end, every form of fishing should be respected. Bottom fishing is not simply dropping a hook and line, trolling is not dragging a lure, spear fishing is not simply shooting a fish. They are all talents and personalities we shouldn't lose. Before passing a law that stops any possibility of growth, we owe it to these people to collect true and accurate data, enforce all existing laws, look at all available options. I highly beg to not stop the ban of scuba fishing but before you do, make sure we have ALL checked all available avenues before making a decision we can not go back on.

Thank you



Charlene Flores <charlene@senatorperez.org>

Fwd: In support of Scuba Fishing Ban Bill 53-35- very important

Office of Senator Sabina Perez <office@senatorperez.org>

Wed, Feb 27, 2019 at 3:17 PM

To: sabina@senatorperez.org, Charlene Flores <charlene@senatorperez.org>, Cyrus Luhr <cyrus@senatorperez.org>, Rick Salas <richard@senatorperez.org>

Begin forwarded message:

From: Mike Pritchard <mguam2012@yahoo.com>

Date: February 27, 2019 at 1:51:13 PM ChST

To: "davehayner@vcsgllc.com" <davehayner@vcsgllc.com>, "speaker@guamlegislature.org" <speaker@guamlegislature.org>, "senatorrcnelson@guamlegislature.org" <senatorrcnelson@guamlegislature.org>, "officeofsenatorshelton@guamlegislature.org" <officeofsenatorshelton@guamlegislature.org>, "office.senatorkelly@guamlegislature.org" <office.senatorkelly@guamlegislature.org>, "senatorbiscoelee@guamlegislature.org" <senatorbiscoelee@guamlegislature.org>, "senatorjoessanagustin@gmail.com" <senatorjoessanagustin@gmail.com>, "senatorterlajeguam@gmail.com" <senatorterlajeguam@gmail.com>, "sen.cridgell@teleguam.net" <sen.cridgell@teleguam.net>, "senatorpedo@senatorjpterlaje.com" <senatorpedo@senatorjpterlaje.com>, "office@senatorperez.org" <office@senatorperez.org>, "wilcastro671@gmail.com" <wilcastro671@gmail.com>, "senatorlouise@gmail.com" <senatorlouise@gmail.com>, "senatorlot@gmail.com" <senatorlot@gmail.com>, "senatormoylan@guamlegislature.org" <senatormoylan@guamlegislature.org>, "senatormary@guamlegislature.org" <senatormary@guamlegislature.org>

Subject: In support of Scuba Fishing Ban Bill 53-35- very important

Dear Senators, as a member of a large group of avid local divers and underwater photographers, we implore you to support Bill 53-35 which bans "Scuba Fishing" on Guam, a very unsportsmanlike practice that has been banned in 63 Countries including the CNMI. Our group dives several times a week over Guam's reefs and the large breeder fish are almost completely wiped out! It can take 20 to 30 years for some of these fish to mature to these sizes and they have been decimated by Scuba fisherman whereas our island neighbor Rota has a very healthy, large fish population. If this nontraditional practice is allowed to continue, the health of our fish population and the reefs are in jeopardy not to mention the deep impact to our tourism, recreation, the dive industry and many other Guam businesses will be impacted. To the Fishing Co Op's own published position there are only ten Scuba Fisherman on Guam and look at the tremendous amount of impact they have had on our Large Fish populations. Please consider the good of the majority over that of a few. I support Spearfishing (with snorkel and mask not Scuba) as does most of the rest of the world, where legal and not in protected areas such as Tumon Bay and at Fisheye. Please vote in support of the is bill.

Thank you Senators Perez and Ridgell for proposing this important legislation.

Thanks

M Pritchard PE
Principal Engineer

DEW POINT ENGINEERING

Bldg 201 Ilipog Dr. Suite 101B Tamuning, Guam 96913

671-787-8260

Mguam2012@yahoo.com

ICC Commercial Mechanical Inspector #8195266



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

SCUBA fishing ban

1 message

laurie raymundo <lraymundo@gmail.com>
To: sen.cridgell@teleguam.net

Wed, Nov 6, 2019 at 9:06 PM

Hello, Clint:

I'm writing in support of your proposed ban on SCUBA spear fishing; I think it's a long overdue move on the part of GovGuam, and sorely needed. Kudos to you for proposing this ban. Our reefs are badly stressed, and will be moreso in the coming years. As a coral ecologist, I have witnessed both the slow decline in the health of our reefs from poor water quality and overfishing over the past 15 years, as well as the very sudden mortality that Guam's reefs experienced over the past 5 years, largely due to climate change-related stress. Our island needs healthy reefs and our reefs need our help to recover their health. Banning SCUBA fishing will be a huge step in the right direction, as fish are a major component of coral reef communities. Fish are responsible for controlling algae on reefs, which compete with coral. We may not be able to do much on our small island to prevent the ravages of climate change, but we can stop local stressors on our reefs, which will help our reefs cope with climate change. If we do not take these strong measures, we may not have much reef left in the very near future.

The reason why your proposed ban is so sorely needed is because SCUBA fishing allows fishers to very efficiently harvest fish at night when fish are asleep and seeking refuge, and at deeper depths than is possible with snorkel. There is no opportunity for our fish stocks to recover. We have already lost several key species and those that manage to survive are no longer allowed to grow to an adult size. The number of eggs that an adult female can produce is proportional to her body size; if she is harvested at a small size, she has produced few eggs, resulting in increasingly fewer fish produced with each generation.

Fish are essential to reef health and to our human populations, as I'm sure you know. They can be managed and sustainably harvested but not unless SCUBA fishing is completely banned, so that some recovery can occur.

Thank you for taking this step on behalf of Guam's coral reefs.

Laurie



Prof. Laurie J. Raymundo
Coral Ecology, Reef Restoration
Interim Director
Marine Laboratory
University of Guam
Mangilao, GU 96923
Tel: (671) 787-8578
Website: <http://www.ml.uog.edu/raymundo-home>



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

testimony in favor or the no scuba while spearfishing bill

1 message

Timothy Rock <timrock@doubleblue.com>
To: clyntridgell@guamlegislature.org

Tue, Apr 2, 2019 at 3:10 PM

Hi Clynt,

Find attached testimonies and documents re the scuba spearing ban bill.

Also here is a link to a piece I wrote for Pacific Island Times:

https://www.pacificislandtimes.com/single-post/2019/03/31/Making-the-case-for-a-scuba-fishing-ban?utm_campaign=cded0cae-677e-4381-be50-d8a0f7a7e164&utm_source=so&fbclid=IwAR1IqbHhSZbuaKDUvmxrsavKTw_ull10m5NM0tlfJ9j_0b6J_IBrvjm2xxg

Also, a Saipan study:

https://journals.plos.org/plosone/article?id=10.1371%2Fjournal.pone.0092628&fbclid=IwAR2RQNRbvtdu39CWHY6jEMWZD3l_6LYvv5wcPqjKIFo80-00_YLpv3R-qg#s5

Can you pass this to Tina and Sabina as well?

If you have any questions, please feel free to contact me.

Best,

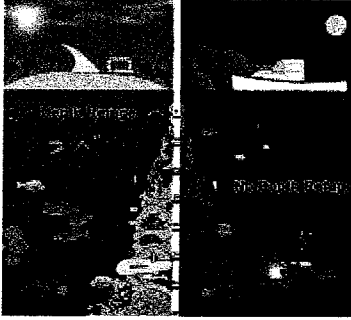
Tim








Tim Rock
Marine Images
425 Chalan San Antonio, Suite 555
Tamuning, GU 96913
1-671-929-1253
timrock@doubleblue.com
<http://timrock.photoshelter.com>

"...I want God.I want poetry.I want real danger.I want freedom.I want goodness.I want sin."-A. Huxley

8 attachments

55961849_2265898843477776_8093230875577155584_o.jpg
99K



-  **Walsh 2015 report to 13th legislature.pdf**
2447K
-  **Birkeland testimony in favor of Bill 53-35.doc**
46K
-  **Fenner big fish first to go.doc**
103K
-  **SeaWeb big fish.doc**
43K
-  **WRIT HI Fish Burden.doc**
21K
-  **WRIT Letter to Polhemus DAR.doc**
67K
-  **one 12.5 kg big = 212 (233 kg) medium.pptx**
337K

“Until all further alternatives are fully explored” (Bill 2587) removes any chance of responsible management because those wishing to continue taking the remaining fishes can always think of another hypothesis. I remember at a WPRFMC hearing in Guam in which the effects of underwater lights and scuba on the stock of large Tanguisson (humphead wrasse) was discussed. The fishermen said that the large Tanguisson were disappearing because of the pollution from the big hotels and runoff from the parking lots, and not from spearfishing with night lights. I remember asking why the pollution selectively affected the large individuals of targeted species, and how does it affect those on the windward side of the island as well as those near the developed areas. The answer was - That’s for you to explain. You are the marine biologist. We are the fishermen and we are out with the fish. We know that it is pollution from hotels and parking lots that affect the large Tanguisson. It is not for us to explain. It is your job as scientists. If you think it is nightfishing the sleeping Tanguisson, then you are wrong and you need to more research.

It is hard to believe that some of these hypotheses are presented in good faith. This issue has been present long ago in Science (Dayton, P.K. *** Burden of proof. Science***). If, after years of work, we demonstrated beyond any doubt that hotels and parking lots are not the primary factor, then the fishermen can say it is lights at night and sunscreen oils on the water. We are expected to go off on snipe hunts forever.

November 14, 2019

Don't Water Down Bill 53-35

To All Senators:

Back prior to 1997, when the British were giving Hong Kong back to China, the Marshall Islands sold passports to Hong Kong residents who were afraid of what life under Chinese rule would be like. The logic was that the passports would make the government good, easy money and that the Hong Kong Chinese would move to the USA under the compact of free association enjoyed by Marshallese citizens. However, there was an unintended consequence. Some Hong Kongers used their passports to move to Majuro and start businesses. Working long hours and offering inexpensive goods, they put many Marshall-owned businesses out of business.

In yesterday's testimony, it is apparent the Fishermen's Co-Op leaders and the WESPAC affiliated folks on the island have done the same thing as the Marshallese. In their quest to have Guam's fishing be unfettered and unregulated, they have opened the door to entrepreneurs who are taking advantage of the lack of any Guam conservation laws and limits. While complaining loudly about FSM residents who harvest with gusto anything that moves on Guam's reefs, like the Marshallese they are reaping exactly what they have sown. Add to that the fact that on any Friday or Saturday night at the boat basin, locally-owned night scuba spearing businesses can also be seen preparing to go out and take thousands of dollars worth of fish on top of what the FSM "cartels" already take. Guam's reefs are all but depleted.

This is Guam's "OK Boomer" moment. The very small but vocal Co-Op community has had its chance. And it hasn't succeeded. After suffering through eight very disappointing years where competent biologists and managers were run out of their government jobs by the past administration, voters are hoping our new array of senators and new governor can drag us by our wetsuits into the year 2020. The island doesn't run on fishing. It runs on tourism. With our submerged resources, due to manmade and natural problems, now resembling undersea wastelands, it is hard to see how much longer our visitors will be able to extoll the wonders of what they experience in Guam.

This bill may need a few tweaks to license responsible fish collecting and biological study. But it most certainly does not need to be watered down in any way. That's what Mr. Duenas did to our shark finning bill. Sharks and rays are sold in the flea markets and DAWR can do nothing about it due to a loophole that fooled senators and was made to the law.

Please do not entertain any form of killing of on scuba, rebreather, hookah or any apparatus using a spear or any other method of killing. The loophole will just be taken advantage of.

As young Mr. William Naden of Malessso so eloquently put it, "Set a tone for the younger generation".

The stewards of the past had their chance and it has backfired miserably. Again, this is Guam's "OK Boomer" moment. Let's turn the ocean's resources over to a generation that wants to protect and grow that which lies beneath the sea. Pass the bill and make sure it has some teeth in it. Then, and this is a MUST, get some honest and dedicated rangers hired and trained and equipped to take care of our environment above and below the sea.

President Tommy Remengesau made a major announcement to the world about Palau's National Marine Sanctuary just a couple month's ago. This sanctuary will move from blue print to the blue ocean early next year after four years of preparatory work. "In Palau, we are on the cusp of a new era in transitioning towards a sustainable blue economy," he stated.

Guam is Micronesia's most prosperous and most educated island, yet we live in the environmental Dark Ages. Guam has all the tools and resources to create a blue economy and it does not use them. It abuses them.

Let's work together so we have our governor in a position make announcements to the world in a few years about our love of our resources. There's no reason why Guam cannot lead the region instead of lagging so far behind. It is a matter of island pride that this bill get passed.

Thank you.

Tim Rock
Guam Resident

Sustain Guam's Fish Populations:

Ban Fishing with Scuba

Date: 11/13/19

To the Guam Legislature and Governor:

We, the undersigned, are in favor of **Bill 53-35** to **prohibit fishing with the use of scuba** and any other underwater breathing apparatus. Fishing with the use of scuba, especially at night, is contributing to the reduction of fish populations on Guam because many species sleep at night making them easy targets. This method of fishing also removes the depth refuge which often protects large females. Large females can produce 100 times more eggs than the smaller females.

The Tanguisson Wrasse (aka Humphead Wrasse/*Cheilinus undelatus*) are valuable for dive tourism and provide a much greater revenue to Guam than the commercial fishing industry. However, many fish, including the Bumphead Parrotfish (*Bolbometopon muricatum*) and Humphead Wrasse, have declined at an alarming rate and have, even with the establishment of marine preserves, all but disappeared from Guam's waters.

63 countries, states, and islands worldwide have banned fishing with scuba and other underwater breathing apparatus. We, the diving and snorkeling businesses of Guam, must protect and preserve what we have left of our natural ocean resources. This is a step towards a more sustainable and profitable future for the entire island.

Guam Marine Tourism Operators

Company: CONCERNED INDIVIDUAL

Sign: 

Name/Title: YOSHIHIRO SAKAMOTO / TITLE: N/A



Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Ban Scuba Spearfishing

1 message

Felix T. Sasamoto <sasfelix@hotmail.com>

Thu, Nov 14, 2019 at 7:22 AM

To: "sen.cridgell@teleguam.net" <sen.cridgell@teleguam.net>

Hafa Adai yan Buenas Senadot Clynt.

My name is Felix Taitano Sasamoto Jr.

I just moved here on Guam, almost 4years now. Originally from Saipan CNMI. I would like to share my testimony and in support of Banning Scuba Spearfishing for Guam. I've been Spearfishing (Freediving) for more than 40years now, plus my livelihood for supporting my family even now. I spearfish 4 to 7 days straight and fished 5 to 9hrs a day. I'm a Commercial Freediver spearfisher. And when ever I'm in the water? I'm not just looking for fish, I'm also watching their behavior in order for me to mimic something to lure them in at my range since they're smarter here in Guam. I've represented CNMI for Spearfishing in the Micronesian Games 2002 and Finally got the 2 Gold medals in 2006. I have witnessed scuba Spearfishing effects in Saipan since they legalized it. I remembered how hard to catch fish at shallows meaning from 15ft to 40ft of water in Saipan when scuba Spearfishing was legal. I had to dive from 60ft to 100ft. to catch a plate size fish imagine that for a plate size fish from 100ft. Fish were terrified by the sound of bubbles coming out from my snorkel if not? even small bubbles from my wetsuit fish starts to swim away fast. Well? one thing I can say about this whole situations on fish depletion? They're not, they're actually at the dropp off or deep to be safe from getting caught. Fish had evolved, meaning smarter. Issues with these types of fishing(scuba Spearfishing) had put young freedivers at risk as well. That's why CNMI and Guams Shallow Water Blackout victims are mostly young divers. Which is a cause by these effects.(scuba Spearfishing) Another Issue I had? Which put me in a tough situations by selling my fish vs the scuba fish. Most of the time markets would rejected most of my hard labored catch over scuba catch. Because, scuba fish are all giant vs my plate size catch. Anyways, after years of trying to manage the stocks in CNMI they noticed the drop from freedivers vs scuba. And then finally a good citizen came up with a plan to ban scuba Spearfishing in CNMI. I myself did signed a petition to ban scuba Spearfishing in the CNMI. After 2years from banning? I saw a great significance from the ban. Fish stocks starts to show up in the shallows again. Especially the tatagas at the Chalan Kanoa channel had finally came back in the channel again. Now in the CNMI you see on Fb young divers posting their catch. lots of nice and decent size fish on their stringers or insatu. With that said? I myself as a freediver spearfisher? I say? it's time Guam. Ban Scuba Spearfishing for the whole entire Marianas especially our Mother land? GUAM. Actually? There are alot of fish here in Guam but, very tough to catch. I saw it and I'm amazed that they're out there in the deep. If these bill will pass? Guam will get its fish stocks back again. I've seen it happened in the CNMI and that's should prove enough for Guam to do as well. I'm urging you all Senators to please, this time? It's Time Guam To Ban Scuba Spearfishing for good. For the sake of the entire Marianas, Guam the mother of all Marianas. No need to think about it Pass it.

November 14, 2019

Hafa adai Senator,

My name is Tatiana C. Talavera. I am 21 years old and I have been fishing since I was six years old. I have practiced many different fishing methods like throw net, bottom fishing, spearfishing, the laying of gill net, and more. Although I know that I do not have much experience as the veteran fishermen around the island, I have noticed the fish population decrease throughout the years.

Although I agree with Bill No. 53-35, I do have some concerns about the details in the bill. There is a part in the bill where the take of any fish with a spear or any other device while scuba diving is illegal. What will happen to the aquarist trying to catch a fish with a net? What will happen to scuba divers who like to collect shells on a dive? They would be charged with a felony. I believe revising the bill in a much more specific manner will help. Permits and catch size limits will be a great help to our island.

Another big factor that does need to be a part of this bill or needs more light to be shed on is enforcement. According to the Director of Dept. of Agriculture, our island only has six or seven Conservation Officers patrolling our waters and our land. This is not enough. This bill can pass, but who is going to enforce it? How can we enforce it if the Conservation Officers won't be able to catch the perpetrator in time? Enforcement needs to be done. We need more officers for Conservation.

Guam waters are significantly important to our people. Not only is the ocean one way fishermen provide our food on our table, but it is also a tourist attraction for our island. The

Sustain Guam's Fish Populations:

Ban Fishing with Scuba

Date: NOV 7. 2019

To the Guam Legislature and Governor:

We, the undersigned, are in favor of **Bill 53-35** to **prohibit fishing with the use of scuba** and any other underwater breathing apparatus. Fishing with the use of scuba, especially at night, is contributing to the reduction of fish populations on Guam because many species sleep at night making them easy targets. This method of fishing also removes the depth refuge which often protects large females. Large females can produce 100 times more eggs than the smaller females.

The Tanguisson Wrasse (aka Humphead Wrasse/*Cheilinus undelatus*) are valuable for dive tourism and provide a much greater revenue to Guam than the commercial fishing industry. However, many fish, including the Bumphead Parrotfish (*Bolbometopon muricatum*) and Humphead Wrasse, have declined at an alarming rate and have, even with the establishment of marine preserves, all but disappeared from Guam's waters.

63 countries, states, and islands worldwide have banned fishing with scuba and other underwater breathing apparatus. We, the diving and snorkeling businesses of Guam, must protect and preserve what we have left of our natural ocean resources. This is a step towards a more sustainable and profitable future for the entire island.

Guam Marine Tourism Operators

Company: Fish Eye Marine park

Sign: 

Name: Akihiro Tani / GM

Hafa Adai,

My name is Carmela Tyquiengco and I grew up in the village of Merizo. Growing up down south, my whole family was about fishing and water activities. I got introduced to the ocean at a very young age. My family would take me Manahak Fishing, Bottom fishing, Trolling, setting the Tekken Net, Atulai fishing, E'e fishing, etc. Occasionally I would go night fishing with them without tanks, and I still feel like it was cheating. It was so easy to catch the fish because they were sleeping. I recently started Spearfishing. I understand the frustration and why people would resort to Scuba Spearfishing, because Free Dive Spearfishing is hard, especially on Guam. My family have been competing in Spearfishing Competitions for years. They have travelled to different countries to compete and I've had a chance to spearfish in some of those waters. Last summer we went to Yap for Micro Games. The ocean was so alive there. I mean, the minute we jumped in the water there was so many schools of fish. I even saw a school of Tanguisson! It was very nice to see an abundance of fish and it wasn't in a preserve. Guam has hosted some of the games here and the competitors from all over the world were surprise at how hard it was to spearfish on Guam because the fact of the matter is, there are no fish. Some of the best fisherman in the world have the hardest time fishing in our waters.

Scuba Spearfishing alone is unfair and unacceptable. It is cheating. It gives the fish no chance, especially at night. It's illegal to hunt at night, right? It's called poaching. The same thing goes for fishing in the ocean. Say you took a guy who was interested in Spearfishing and started him with Scuba Spearfishing. He does this for months and gets good at it, now take him Spearfishing free diving. This is a totally different ball game. First, he has to get use to holding his breath. Free Diving is all about being calm and doing the least amount of movement, so you don't use that much energy and that much air. Then you have to be relaxed, calm, while your floating at the surface. Your mental state is totally different Scuba diving from when your free diving. Now imagine you have to kick your way down to the bottom and lay for a second to find a fish. Let's say you're in 20ft-30ft of water. You have to think about how long its going to take you to go down and come back up. Most of us, especially me as a beginner can't hold our breath for that long especially when your thinking about finding a fish to shoot. It is very hard. It takes practice. Now say he tries to shoot a fish, but misses. He must swim back to the surface, reload his gun, calm down and catch his breath, slow his heart rate, and start all over again. It is a process. By that time, the fish are spooked and swim away and you have to try another spot. When you are Scuba Fishing all you have to worry about is reloading your gun and you can stay down for hours. So, tell me, does that sound fair to you? It gives the fish no chance.

In conclusion, I think it is a MUST to pass this bill. I also think we should ban fishing at night if we really want to see a significant change. If we keep going the way we are now we won't have any fish. Forget about fishing with our children in the future, because everything will be dead and gone. We need rules. We need regulations, so that we can give the fish a chance to multiply and be abundant again, thank you.

Sincerely,

Carmela Tyquiengco

From: Lee Webber

Sent: Friday, March 1, 2019 2:33 PM

To: 'speaker@guamlegislature.org' <speaker@guamlegislature.org>; 'senatortcnelson@guamlegislature.org' <senatortcnelson@guamlegislature.org>; 'officeofsenatorshelton@guamlegislature.org' <officeofsenatorshelton@guamlegislature.org>; 'office.senatorkelly@guamlegislature.org' <office.senatorkelly@guamlegislature.org>; 'senatorbiscoelee@guamlegislature.org' <senatorbiscoelee@guamlegislature.org>; 'senatorjoessanagustin@gmail.com' <senatorjoessanagustin@gmail.com>; 'senatorterlajeguam@gmail.com' <senatorterlajeguam@gmail.com>; 'sen.cridgell@teleguam.net' <sen.cridgell@teleguam.net>; 'senatorpedo@senatorjpterlaje.com' <senatorpedo@senatorjpterlaje.com>; 'office@senatorperez.org' <office@senatorperez.org>; 'wilcastro671@gmail.com' <wilcastro671@gmail.com>; 'senatorlouise@gmail.com' <senatorlouise@gmail.com>; 'senatortelot@gmail.com' <senatortelot@gmail.com>; 'senatormoylan@guamlegislature.org' <senatormoylan@guamlegislature.org>; 'senatormary@guamlegislature.org' <senatormary@guamlegislature.org>
Cc: 'davehayner@vcsgllc.com' <davehayner@vcsgllc.com>; 'pilar.laguana@visitguam.org' <pilar.laguana@visitguam.org>

Subject: RE: In support of Scuba Fishing Ban Bill 53-35- very important

Senators – I would simply add that there is **NOTHING TRADITIONAL** about spearfishing using SCUBA.

Additionally, there are (locally) far more than the 10 scuba spear fishermen as claimed by Mr. Duenas from the Fisherman's CO-OP.

If you can take the time from your busy schedules and talk to the deputies at the department of agriculture, ask them how many "mosquito fishermen" there are out there raping our reefs on a daily basis. My belief is you will be horrified. At the rate these reef raping spearfishermen have and continue to take large egg laying and mid-to-smaller range fish it could take your lifetime to repopulate our reefs.

But don't just take my word, talk with some of our deep technical divers about how beautiful our reef walls are beyond recreational depths -- where human impact is vastly limited.

Our tourism is heavily based on beautiful beaches, crystal clear waters, beautiful corals and large fish populations for our visitors to appreciate.

Be Courageous, Responsible and Conservationist Leaning and stop spearfishing on SCUBA.

Si Yu'us Ma'áse',

Lee Webber

President



Office of Senator Sabina Perez <office@senatorperez.org>

In support of Scuba Fishing Ban Bill 53-35- very important

Lee Webber <Lee@mdaguam.com>

Thu, Mar 14, 2019 at 2:33 PM

To: "speaker@guamlegislature.org" <speaker@guamlegislature.org>, "senatortcnelson@guamlegislature.org" <senatortcnelson@guamlegislature.org>, "officeofsenatorshelton@guamlegislature.org" <officeofsenatorshelton@guamlegislature.org>, "office.senatorkelly@guamlegislature.org" <office.senatorkelly@guamlegislature.org>, "senatorbischoelee@guamlegislature.org" <senatorbischoelee@guamlegislature.org>, "senatorjoessanagustin@gmail.com" <senatorjoessanagustin@gmail.com>, "senatorterlajeguam@gmail.com" <senatorterlajeguam@gmail.com>, "sen.cridgell@teleguam.net" <sen.cridgell@teleguam.net>, "senatorpedo@senatorjpterlaje.com" <senatorpedo@senatorjpterlaje.com>, "office@senatorperez.org" <office@senatorperez.org>, "wilcastro671@gmail.com" <wilcastro671@gmail.com>, "senatorlouise@gmail.com" <senatorlouise@gmail.com>, "senatortelot@gmail.com" <senatortelot@gmail.com>, "senatormoylan@guamlegislature.org" <senatormoylan@guamlegislature.org>, "senatormary@guamlegislature.org" <senatormary@guamlegislature.org>
Cc: "davehayner@vcsgllc.com" <davehayner@vcsgllc.com>, "pilar.laguana@visitguam.org" <pilar.laguana@visitguam.org>

Attached please links offering more support for the Banning of Spear fishing on SCUBA.

One 2010 study in Chile showed that due to the lack of fisheries management in place for coastal fisheries, unregulated spearfishing was having as great an effect as commercial inshore fishing, and was significantly contributing to reef fish depletion. Here is that paper <https://esajournals.onlinelibrary.wiley.com/doi/full/10.1890/09-1806.1?sid=nim%3Apubmed>

Also, a study from the Great Barrier Reef in Australia showed that when a protected area was opened up to spearfishing, there was a 54% reduction in populations of reef trout, and also a reduction in the average size, which indicates all the mature breeding individuals were being removed. <https://www.ncbi.nlm.nih.gov/pubmed/23251656>

Finally, and this might be most useful, the FAO undertook a review of spearfishing in Pacific countries, and one of the findings was that a complete ban on spearfishing coupled with effective enforcement was the single most important consideration to reduce overfishing from spearfishing. Report can be downloaded here <http://www.fao.org/3/a0774e/a0774e00.pdf>

I hope all of this is useful to you. If you require any further information, please don't hesitate to contact me directly.

Si Yu'us Ma'åse',

Lee Webber

President

Managed Development Associates &

Micronesian Divers Association

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856 North Marine Corps Drive

Piti, Guam 96915

Tel: 671-479-4646

Cell: 671-482-5010

Fax: 671-477-6329

Email: lee@mdaguam.com

Please review us on TRIP ADVISOR and the Joint Region vendor site for MDA!

www.tripadvisor.com/UserReviewEdit-g60675-d1960368-Micronesian_Divers_Association-Piti_Guam.html

Get a prompt response to your questions or concerns. - customerservice@mdaguam.com



"Nothing enhances authority more than silence" - Charles de Gaulle -- "Democracy is two wolves and a lamb voting on what to have for lunch. Liberty is a well-armed lamb contesting the vote." -- Benjamin Franklin -- "A statesman is a politician who places himself at the service of the nation. A politician is a statesman who places the nation at his service."-- Georges Pompidou ---

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"Those who would disrespect our flag have never been handed a folded one."

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Selina Onedera-Salas <sonedera-salas@guamlegislature.org>

Support for ban on SCUBA spearfishing

1 message

Steve <wolborsk@guam.net>

Wed, Nov 6, 2019 at 9:18 AM

To: sen.cridgell@teleguam.net

Dear Sen Ridgell,

I completely support legislation to ban spearfishing on SCUBA. I learned to dive here on Guam in 2004 and progressed to instructor, underwater photographer, etc., over the course of what is now more than 2,000 dives.

During this time I have observed the degradation of Guam's reefs to the point that, today, the Southwest reefs (at a minimum) are in a dire state. They are covered in algae and devoid of fish. Why? Nonexistent land management and unregulated fishing of herbivores are two major contributors.

I contrast this with places like Palau and the central Philippines where there is aggressive development and enforcement of marine preserves. These places seem to at least be breaking even with the bad effects of things like rising sea temperatures, coral bleaching, etc., things beyond local control. I can personally attest that the abundance of sea life in these places makes Guam look sick in comparison.

So, thank you for trying to address one of these macro problems. However, absent sufficient resources for aggressive enforcement, this will be just another piece of "feel-good" legislation on Guam that goes ignored by the population.

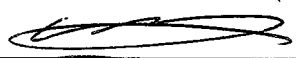
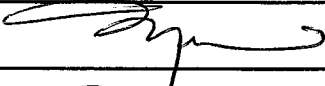



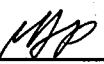







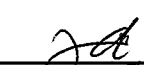





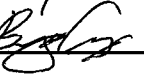

Sincerely,

Steve Wolborsky

Sent from my iPhone



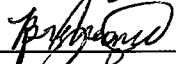
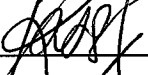
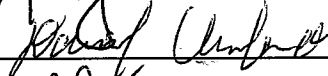


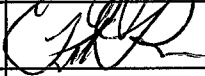
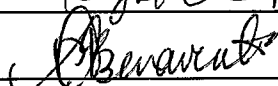
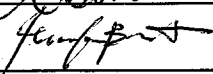




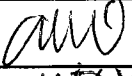


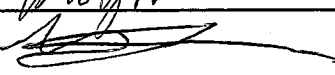
In favor of Bill 53-35 to prohibit fishing with the use of scuba and other underwater breathing apparatus. Fishing with the use of scuba is contributing to the reduction of fish populations on Guam. The Bumphead Parrotfish and Humphead Wrasse have declined at an alarming rate and have all but disappeared from Guam waters. This decline can be attributed to divers using scuba as they can stay under water longer and spear fish in their deep-water sanctuaries. Fishing with scuba has been recognized as a major factor in the decline of many reef fish populations and has been banned in the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, Palau, Fiji, Tonga, American Samoa, Samoa, much of Australia and many more countries.

We, the undersigned, strongly urge the Guam Legislature to ban fishing with scuba in our waters

NAME	SIGNATURE	AGE	VILLAGE
Elissa Joseph		17	Mangilao
ESTHER YANZEL		48	Yigo
Lorena McCard		42	Mangilao
Andrew Arceo		17	Ordot
Terrell Sablan		17	Mangilao
Michael Perez		20	Chalan Pago
Calvin Cruz		16	Latta Heights
Jeremy Cepeda		24	Sinajana
Vincent San Nicolas		16	Sinajana
Joresha Auchacho		14	Sinajana
Josh Santiago		15	Chalan Pago
Railee Welsh		16	Chalan Pago
Jesse Quinata		15	Sinajana
Jerry Agustin		18	Xena
Zachary Roberto		17	Mangilao
Duenas Kelvin		15	Inarajan
Remelynn Rivera		15	Barigada
Mary Talleca R. Perez		15	Sinajana
Annika Zeta A. Pasca		16	Mangilao
Byrce Cruz		15	Mangilao
Chad Pradsmeb		15	Mangilao

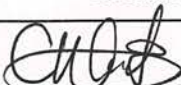
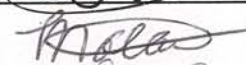
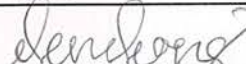
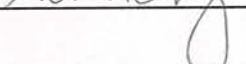
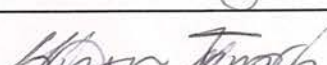
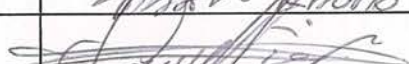
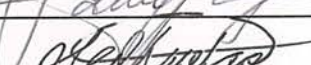
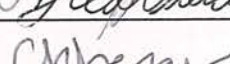
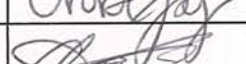




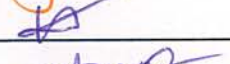

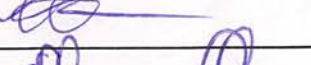
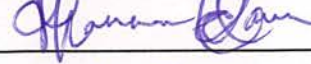
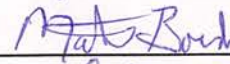

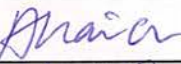



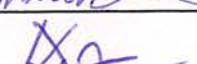
In favor of Bill 53-35 (COR) to prohibit spearfishing with the use of scuba.

Fishing with the use of scuba is contributing to the reduction of fish populations on Guam. The Bumphead Parrotfish and Humphead Wrasse have declined at an alarming rate and have all but disappeared from Guam waters. This decline can be attributed to divers using scuba as they can stay under water longer and spear fish in their deep-water sanctuaries. Fishing with scuba has been recognized as a major factor in the decline of many fish populations and has been banned in the Commonwealth of the Northern Mariana Islands, Fiji, Tonga, American Samoa, Western Samoa, much of Australia and many more countries. We, the undersigned, strongly urge the Guam Legislature to ban fishing with scuba in our waters.

NAME	SIGNATURE	AGE	VILLAGE
Jhoanna Antonio	JA	22	Dededo
Michael Durumay	M.D	22	Dededo
Benjamin C. Nozita		29	Mangilao
Margan Catchay		19	Yigo
Naomi Borg		22	Yona
Kassiolee Cruz		20	Mangilao
Daniel Urbane		18	Chalan Pago
Ryley Rivera		19	Barrigada
Jordan Suzuki		19	Yona
Pete Rivera		64	Barrigada
Kay Dee Xavier	KayDeeX	20	Mangilao
Kebang Ngraklang	KayDeeX	19	Mangilao
Alexandra Benavente		22	Dededo
Jennifer Brian		23	Dededo
Ryan Garza	R.G	22	Dededo
Renee Sta	RS	22	Mangilao
BERNARD CRISTOBAL		23	DEDEDO
Justine Lozano		22	Yigo
Noel Jimenez		21	Yigo
Sarah Ngo		24	Chalan Pago
Anna Pnelosky		23	Chalan Pago
Kaitlyn Gagne		20	Ordot
Tomya McDaniel		19	Smajuan
Philana Lopez		20	Dededo





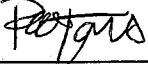
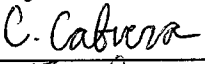
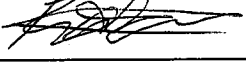


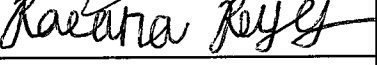

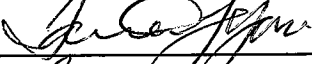




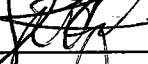
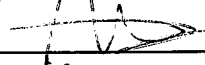



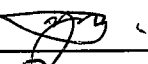
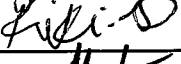
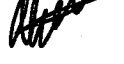
In favor of Bill 53-35 (COR) to prohibit spearfishing with the use of scuba.

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NAME	SIGNATURE	AGE	VILLAGE
Cameron Weito		16	Mangilao
Malaika Iyekar		17	Mangilao
Elanice Leon Guerrero		18	Mangilao
Jasper Johnson		16	Sini Jara
Hinasu Tenorio		16	Mangilao
Samuel Figuer			
Joseph Tedaotao		17	
Chloe Alvarez		16	Mangilao
Anna Gameli		15	Dededo
Jaydal Bop		16	Chalan Pago
Tyler Sioco		16	YONA
Stephanne		16	Mangilao
William Lloyd		17	Chalan Pago
ISABEL PALOMO		17	CHALAN PAGO
Hannah Cepeda		18	Yona
Rhannon Scharff		16	CHALAN PAGO
Martin Boudreau		62	Tamuning
Kenneth B. Duenas		57	Mangilao
Almyra Naich		16	Mangilao
Learn May		16	Mangilao
Justin Ray Bunt		16	Chalan Pago
Franchesca Guerrero		15	Chalan Pago
Kida Pritchard		16	Mangilao
			


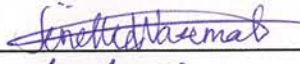
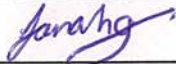
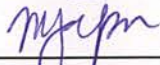
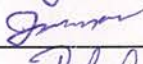

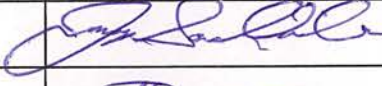
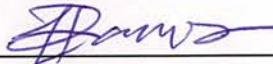

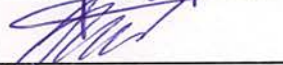

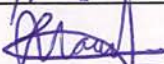
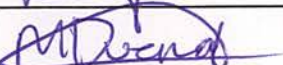
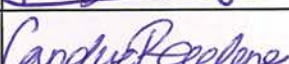
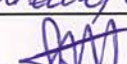


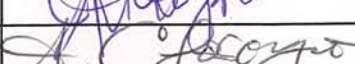
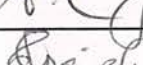
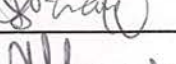
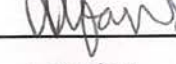
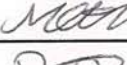

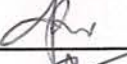
In favor of Bill 53-35 (COR) to prohibit spearfishing with the use of scuba.

Fishing with the use of scuba is contributing to the reduction of fish populations on Guam. The Bumphead Parrotfish and Humphead Wrasse have declined at an alarming rate and have all but disappeared from Guam waters. This decline can be attributed to divers using scuba as they can stay under water longer and spear fish in their deep-water sanctuaries. Fishing with scuba has been recognized as a major factor in the decline of many fish populations and has been banned in the Commonwealth of the Northern Mariana Islands, Fiji, Tonga, American Samoa, Western Samoa, much of Australia and many more countries. We, the undersigned, strongly urge the Guam Legislature to ban fishing with scuba in our waters.

NAME	SIGNATURE	AGE	VILLAGE
Ezra Leraemci		17	Chalan Pago
T-crook Noan		18	Mangilao
Erson Mensor		16	Mangilao
Evita Laguanã		18	Dededo
Parthenia Estev es		17	Chalan Pago
Christian Cabrera		18	Dededo
Putra Sani		17	Mangilao
Muthier, Borg		18	Yona
Christian Laganz		18	Mangilao
Rafana Reyes		17	Agana Heights
Lynne Tungol		17	Mangilao
Taenia Lynn Cruz		17	Mangilao
Kenneth Crisostomo		17	Monong
Mike Halmi Jr.		16	Barrigada
Mason Halmi		17	Barrigada
Cory Quintanilla		16	Yona
Kanaporia Agon		16	Matatag
Alyanna Barua		16	Sinjana
Christian Roder		16	Sinjana
Kolekoha, Ichihara		18	Sinjana
Jaden Sambes		17	Chalan Pago
Zachary Cabrena		17	Chalan Pago
Riki Dipmar		18	Chalan Pago
Abel Bansi		16	Little Heights

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NAME	SIGNATURE	AGE	VILLAGE
Darilyn Urquiza		16	Mangilao
Jinette Waremah		16	Mangilao
Jonah Garcia		16	Mangilao
Mya Perez		16	Ordot
James Tabunag		17	Tona
Rebekah Arrisla		16	Ordot
Joseph San Nicolas		18	Chalan Pago
Lea Ramos		18	Sinajana
Jon Espino		18	Mangilao
Jesse Manglona		17	CP
Brice Terorio		17	Sinajana
Jesiah Manubusan		17	Tona
Mason Puenas		17	Tona
Candice Reyes		17	Yona
JADA SAN NICOLAS		17	YONA
MARIA SAN NICOLAS		16	Mangilao
Jordan Pickey		18	Chalan pago
Aubrianna Losongco		18	Mangilao
Colby Soriano		17	Mangilao
Alfonso Injasa		17	SANTA KITA
Matthew Injasa		17	Ordot
Ryder Nisperos		16	Chalan - Pago
Aubrianna Rabon		16	chalan pago
Tyler Arceo		10	CP






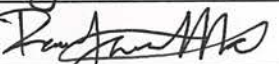
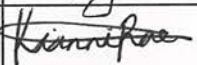
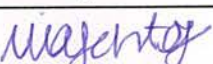


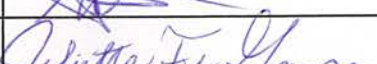

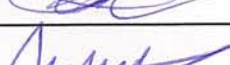
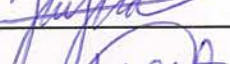

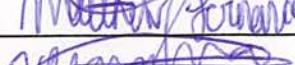

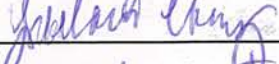
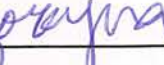
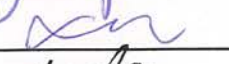

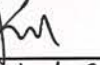

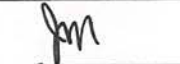
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NAME	SIGNATURE	AGE	VILLAGE
JONATHAN SABLON		21	Sinajana
Markus Manabat		17	Mangilao
Carla Cherry		28	Santa Rita
LISA M. Mosher		56	YLIQ, YONA
Niel San Nicolas		17	Chalan Pago
Kepuhn Aguon		15	Yona
Francis Montejo		16	Mangilao
Symphony Ouelvara		16	ORDOT
Inarte Daniel		15	Santa Rita
JESSICA DUENAS		15	ORDOT
Charlene Taitague		16	Sinajana
Hailey X		16	Mangilao
Ravin Z		16	Agana
Kyle Cumaratunga		18	Agana Heights
Bundision Fegargaw		18	Chalan Pago
Anna Marie Uy		17	Mangilao
Hailey Lumanlan		18	Chalan Pago
Kali Jodh		18	CP
Grazi Palmares		50	Agat
Christopher Santa Maria		18	Mangilao
Kainoa Hefflin		17	Chalan Pago
Kyle Salas		16	Sinajana
Tyler Pannen		16	Sin-city
Peter Borja		17	Chalan Pago



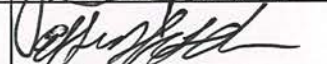
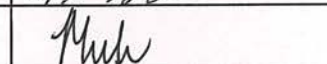

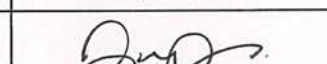
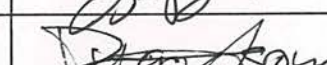
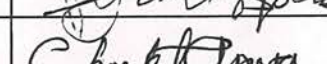

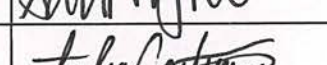
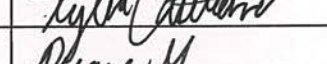
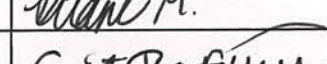
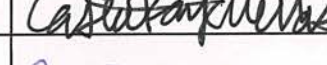
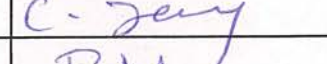
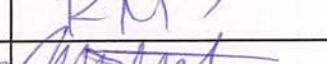
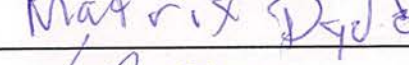
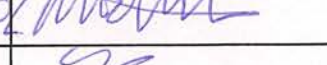
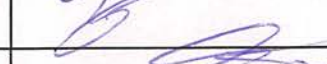
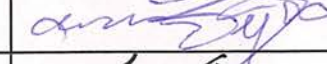

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NAME	SIGNATURE	AGE	VILLAGE
Anthony Debrun		16	Mangilao
Desiree Crisostomo		17	Ordot
Cherrie Crisostomo		17	Ordot
Shayna Quitugua		18	Mangilao
Eric Bamba		17	Mangilao
Paul, Mal		17	Mangilao
Kianni, Ibanes		16	Mangilao
Mia Santos		16	Mangilao
Alomar Deniro		16	TOTO
Alana Ungaca		16	Mangilao
Joliette Fe Grange		17	Sinajana
Goodenough Demis		18	Mangilao
Jayna Arthur		16	Mangilao
Vicente Tayalle		16	Mangilao
Nathan Fernandez		16	Mangilao
VICTORIA MANGILONA		17	BARRIGODS
Mrs. Ullahi		17	Agana H.
Lorayna Tedatano		16	Sinajana
Mario Atienza		16	Tort
Andre Adame		16	Mangitao
Richard Mendola		16	Mangilao
Merim Santiz		17	Mangilao
Jerelyn Milik		17	Agana Height
LEANN APIMWAR		17	Sinajana

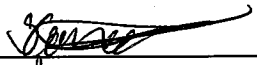
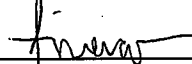



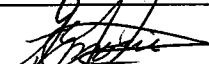

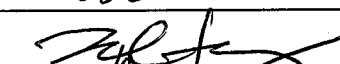



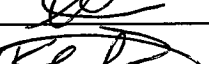
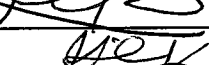

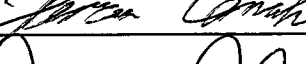
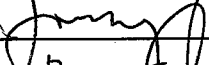
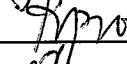
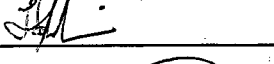

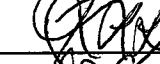




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NAME	SIGNATURE	AGE	VILLAGE
Wandra Tadtartao		18	Chalan Pago
Janica Pablo		17	Sinajana
Esther Henrich		17	Mangilan
Patrick Fernandez		18	Barrigada
Toric Cruz		19	Mangilao
Dorrenalyn Fejeran		17	Barrigada
Dy'ani Asprec		17	Agana Heights
Charlot Apusa		16	Mangilao
MURYN A O'CONNOR		16	AGANA HTS
Tyler Castrance		17	Mangilao
Duane Monterde		18	Sinajana
Cuevas, Caster		18	TOTO
Jackson, Casor		17	Mangilao
Pico Mandilag		18	Mangilao
Matrix Dydersu		18	Mangilao
		18	Mangilao
Aran Fejoran		18	Mangilao
Jesse Pascasin		16	Mangilao
Wandra Kieran Camisura		16	Tiyan

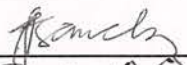
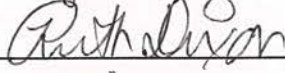

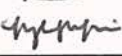
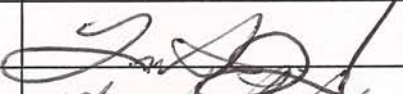

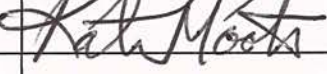
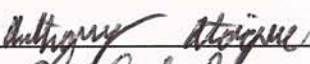
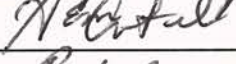







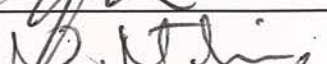
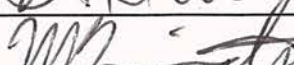


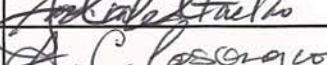
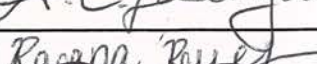
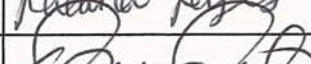

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NAME	SIGNATURE	AGE	VILLAGE
Steven Camacho		18	Yona
Faith Niena		18	Chalan Pago
Charnel Delacruz		18	Mangilao
Shanne Balet		18	Tamuning
Zillian Ursang		18	Dededo
JOANNA MARIE YONE		18	BARRIGADA
Angulina De Leon		18	Dededo
Jeffrey Quifugua		25	Toto
Alfred Johnson		19	Yigo
Daphne Matias		18	Dededo
Isa Bersamin		19	Barrigada
Regina-Mae Dominguez		19	Mangilao
Giordan Kho		20	Yigo
Jauria Camacho		23	Yona
Jenny Neuby		20	Sinajana
Rosewin Borja		28	Dededo
Te'i Gambelluri		20	Yigo
Vince Campo		21	Barrigada
Kaiulani Lujan		22	Hagatna
Ana Martin		19	Dededo
Britni Duenas		27	Tamuning
Emmalou Cabrera		22	Maitz
Jullian Pinares		22	Maitz
Michelle U. Iriarte		28	Mangilao

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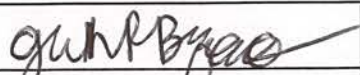
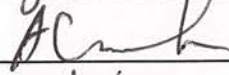
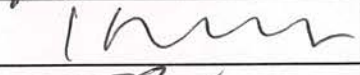
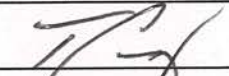
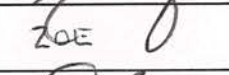


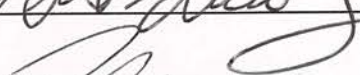


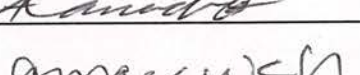
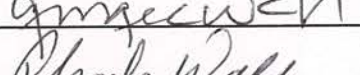
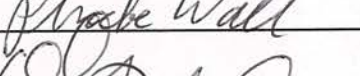





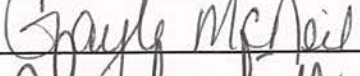


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NAME	SIGNATURE	AGE	VILLAGE
Hett Sanchez		23	Mangilao
Ruth Dixon		40	Dededo
Desiree C. Benavente		24	TAMMING
MAYLENE M. MILAN		25	TAMUNING
Luigi S. Fernandez		22	Dededo
MaryAnn Righetti		67	Sinajana
Kate Moots		62	Yona
Anthony Atoigue		15	Yigo
Allen Costello		18	Dededo
Rita Barcinas		22	Merizo
Charlene Yanger		50	Piti
Jenny L. Bracqian		31	Mangilao
Daniel Aug		42	Mangilao
JIANNA SORIMANO		27	CHALAN PAGO
LEANNI FRANCO		20	DEDEDO
Amanda Finona		20	DEDEDO
Nathaniel Martin		45	Dededo
Marybelle Quinata		30	Santa Rita
Keene Selas		17	
Sandra Tultao		18	Chalan Pago
Aubrianna Losongco		18	Mangilao
Racana Reyes		17	Agona Heights
IAN R. IRIARTE		31	BARRIGADA
Ricardo Lizama		40	BARRIGADA

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NAME	SIGNATURE	AGE	VILLAGE
Jun Bravo			YIGO
ALLAN CAMACHO		48	DEDEDO
Chong Grace		11	Tamuning
THOMAS CRUZ		24	AGAT
Zoe Ngiratereged		10	Dededo
Sherry Ann		53	Dededo
Peter Schaumburg		56	Tumon
John Fures		42	ORPOT
Diana Masga		28	YIGO
ANOS CAMACHO		36	YIGO
George Wall		73	Yigo
Phoebe Wall		60	Yigo
OLYMPIA TERRAC		63	Santa Rita
Vaishnavi Khandelwal		13	Tamuning
Chris Taimang		23	Yigo
Miki Sedigust		45	Dededo
Carer Becker		44	Vestkor Village
Gayle McNeil		45	U.S.
CHRISTENA LITTLE		35	YONA
CARLO UNPINGCO		39	SR
Margaret F. Aguilar		64	Dededo -

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24

NAME	SIGNATURE	AGE	VILLAGE
Jony Flores		11	Mangilo
ROSEMARY CORTADO	<i>Rosemary Cortado</i>	23	Mangilao
Melanie Mendiola	<i>Melanie Mendiola</i>	23	Yona
Dwight Sablan	<i>Dwight Sablan</i>	20	Mang'ho
Elijah Markem	<i>Elijah Markem</i>	21	Bamigaha
Fanoway, Michael	<i>Michael Fanoway</i>	18	Yigo
Rachel Tolley	<i>Rachel Tolley</i>	45	Talofafa
Melishia Neester	<i>Melishia Neester</i>	29	Mangilao
Genevieve Weaver	<i>Genevieve Weaver</i>	43	Mangilao
Troy Weaver	<i>Troy Weaver</i>	41	Mangilao
Cassandra Phoenix	<i>Cassandra Phoenix</i>	25	Tumon
Julius Setomayo, cerna	<i>Julius Setomayo, cerna</i>	39	Dededo
Lance	<i>Lance</i>		
Uma Wushman	<i>Uma Wushman</i>	32	Hagafna
Amber Kirshbaum	<i>Amber Kirshbaum</i>	31	Tamuning
Mallory Magan	<i>Mallory Magan</i>	30	Yona
B. B. B.	<i>B. B. B.</i>	13	LATTE HEIGHTS
NORML. IMPERIAL	<i>NORML. IMPERIAL</i>	75	Dededo
Javier Taimanglo	<i>Javier Taimanglo</i>	10	Dededo
Javen Taimanglo	<i>Javen Taimanglo</i>	12	Dededo
Margaret Cepeda	<i>Margaret Cepeda</i>	38	Dededo
Teresa Wellman	<i>Teresa Wellman</i>	50+	YIGO
Kiersten Auerbach	<i>Kiersten Auerbach</i>	25	Tumon
Alexander Auerbach	<i>Alexander Auerbach</i>	25	Tumon



Clynton E. Ridgell

Senator – 35th Guam Legislature

*Committee on Economic Development, Agriculture, Maritime Transportation,
Power and Energy Utilities, and Emergency Response*

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 53-35 (COR) was introduced on **February 22, 2019** by **Senators Sabina Flores Perez, Clynton E. Ridgell, and Speaker Tina Rose Muña Barnes** and was subsequently referred by the Committee on Rules to the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response on **March 7, 2019**.

The Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response convened a public hearing on Bill No. 53-35 (COR) on **Wednesday, November 13, 2019** at **3:00 pm** in *i Liheslaturan Guåhan's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on **Tuesday, November 5, 2019** (5-Day Notice) and again on **Monday, November 11, 2019** (48-Hour Notice).

Senators Present

Senator Clynton E. Ridgell, Chairperson

Speaker Tina Rose Muña Barnes, Committee Vice Chairperson and Bill Co-Sponsor

Senator Régine Biscoe Lee, Committee Member

Senator Therese M. Terlaje, Committee Member

Senator Jose “Pedo” T. Terlaje, Committee Member

Senator Sabina Flore Perez, Bill Primary Sponsor

Senator Kelly Marsh, Ph.D.

Senator Amanda L. Shelton

Senator Joe S. San Agustin

Senator Telo T. Taitague

Senator William M. Castro

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called to Order at **3:08 pm**.

Senator Clynton E. Ridgell, Chairman – Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response: Håfa adai, good afternoon, Everyone. This confirmation hearing conducted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response is now called to order at 3:08 p.m.

Notice of this hearing was disseminated to all local media outlets via electronic mail on November 5th of 2019, with a second notice provided on November 11th of 2019. Notice of the hearing was also made known on the Guam Legislature's website.

The committee will hear testimony on Bill Number 53-35 (COR), introduced by Senator Sabina Perez, Speaker Tina Rose Muña Barnes, and myself, an act to add a new section 63101(dd), Chapter 63 of Title 5 and to add a new section 63116.3 to Chapter 63 of Title 5, and to amend Section 63129 of Chapter 63 of Title 5, Guam Code Annotated relative to the prohibition of fishing with the use of a self-contained underwater breathing apparatus or SCUBA and similar devices in the waters of Guam or any vessel in the waters of Guam.

Before I go down the list from the sign-in sheet of those who wish to testify on the bill, I will begin by allowing the primary sponsor of the bill, Senator Perez, to provide her opening statement.

Senator Sabina Flores Perez, Primary Sponsor – Bill 53-35 (COR): Thank you, Mr. Chair. A good afternoon, Everyone, and thank you for being here today. Bill 53-35 will protect Guam's reefs and vulnerable fisheries by ending the harmful practice of SCUBA fishing in Guam's waters. The measure is authored by myself, Senator Ridgell, and Speaker Muña Barnes. The bill is a response to growing environmental and cultural threats. In recent decades, our people have witnessed a staggering drop in fish stocks. In a recent study of 832 coral reefs in 64 localities, two stood out for having fish biomass low enough to constitute fisheries' collapse: Papua New Guinea and Guam. Many in our community including a number of commercial and sport fishermen have expressed their concerns to me.

They've seen firsthand the impacts of SCUBA fishing and how they're targeting reef fish at greater depths, at greater efficiency than our traditional fishing methods. In fact, SCUBA fishing is so effective that it's more akin to harvesting than fishing. This relentless practice prevents struggling fish stocks from regenerating which are essential to the health of our coral reef ecosystems. Studies show that unrestrained SCUBA fishing can contribute significantly to fisheries' collapse. Two species once prevalent in Guam's waters particularly vulnerable to SCUBA fishing: *atuhong*, the hump head parrotfish and *tanggison*, the hump head wrasse, and both require the ability to grow large in deep waters before returning and repopulating reefs; however, with the advent of SCUBA fishing, the largest of these fish are now being targeted in deep waters with startling efficiency. Data compiled by the Guam Department of Agriculture shows that all recorded catches of *atuhong* and 85% of recorded *tanggison* catch were caught by SCUBA fishing.

Not only does the impact of SCUBA fishing harm the livelihoods of all fishermen, but our tourism economy is suffering as well. Snorkeling and recreational SCUBA diving are significant industries on our island, and with disappearing fish stocks, our reefs are weakened. We must act now and hope to save our fisheries and reefs from ecological collapse. The bill ends the use of SCUBA when capturing live fish. This practice was recently banned in Hawaii after the industry grew large and destructive. It's important we regulate the practice in Guam before it, too, becomes unsafe unsustainable and harmful for us here. Bill 53-35 aims to improve safety for all fishermen. Currently, SCUBA fishing is reducing fishing populations found at shallower depths forcing all

fishermen including free divers to go deeper, and this is extremely dangerous for free divers and unsafe for SCUBA fishermen who will need to chase depleting fish docks at ever greater depths. The solution cannot simply be to dive deeper and deeper, indefinitely, while fish stocks die off. The solution must focus on sustainability, and we need to practice enough inafa'maolek. Our ancestors faced challenges in the past, and they managed fish stocks accordingly. They were wise stewards who preserved the environment and their fishing practices for us. Now, it's our turn to come together and take responsibility and preserve our resources and [inaudible] way for life for generations to come.

I view Bill 53-35 as a continuation of this practice. This is our community coming together to establish shared rules that apply to all of us. SCUBA fishing is certainly not the only risk we face. Climate change, pollution, erosion, storm run offs also threaten in our waters. We absolutely need to do more. We need better enforcement of existing laws. We need to invest in education, and I thank the new director of the Department of Agriculture for taking great strides on this front, but we nevertheless still need a SCUBA fishing ban, and we want meaningful change.

The ban proposed by this Bill 53-35 has already been adopted in 63 nations and jurisdictions including the Commonwealth and of the Northern Marianas. This is a tested and sensible approach supported by most Pacific island nations, and we should follow the lead of our sister islands and end this destructive practice that is not cultural, not historical, not safe, and not sustainable. I recognize and respect that some may oppose this measure, and I look forward to hearing all viewpoints today. I believe we can have a fruitful and respectful discussion. While we may disagree on some points, we will share the same goal. We wish to protect our environment, while preserving a strong and economically viable fishing culture. This has been the way of our people for centuries, and I trust we can openly discuss the threats posed to our dying fish stocks and make the tough decisions necessary to ensure that we preserve our way of life for future generations. The decision we make now will have far-reaching implications. If we fail to address this, our people will lose a practice that defines us. Future schoolchildren will have to go to the Guam Museum to learn about peskadots, but if we take action now, we not only preserve our fishing culture, we can help it thrive again in a sustainable and economically viable way. I only hope it's not too late. Thank you.

Chairman Ridgell: Thank you, Senator Perez. I will call upon the public to provide testimony according to the order of the people signed in. If you have not signed in, please do so with my staff in the corner at the table. The first panel I'd like to call forward is Mr. Ted Nelson, Felix Reyes, Celestino Aguon, Colin Dre Borja, Johnny "Atulai" Taitano, Brent Tibbets, Matthew Orot. Forgive me if I'm mispronouncing anyone's name. Also, before we begin, please forgive me and allow me to recognize all of my colleagues who joined us today as well, beginning with Senator Joe San Agustin, Speaker Tina Muña Barnes, Senator Amanda Shelton, Senator Kelly Marsh Taitano, Senator Pedro Terlaje, Senator Wil Castro, Senator Sabina Perez, Senator Régine Biscoe Lee, Senator Telo Taitague, and Senator Therese Terlaje. Thank you, Everyone, for joining us this afternoon.

Mr. Ted Nelson, Fisherman: Hello. Good afternoon to all the senators. Thank you all for finally after nine years—nine years later, bringing this issue to light. Today, you will hear the pros and the cons; those who support the ban and those who don't support the ban. My name is Ted Nelson, I used to be Assistant Professor of the University of Guam College of Natural and Applied Science... farmer, unemployed peskadot most of my life. We went forward with this issue about nine years ago through—at the time—I guess still the majority Democrat in power.

We worked hard at this, started off with a group of five fishermen from different sides of the island, a lot more with more expertise and a lot more than myself. We garnered thousands of signatures, and we presented at the time to whoever was the chair. At that time, it went in from one senator to the next and the next, and after nine years later, there's a lot of frustration and anger on what's what it's been just put aside. Like I said, there'll be pros and cons to this. The only thing I can say is on what I feel my opinion from my side.

I'm a landowner, ocean front owner on the east side. I've been fishing the east side, the MARBO side, Guå'i, Sasayan, Luña, Pâgat, Hånóm since the age of 10 years old. I've seen the fish stock deplete dramatically in the last 15 years. Not because I'm an expert, because I go out there, and I see it. I've seen at first... it doesn't matter who the individuals—I'm not going to get on who are doing it and all that, because pretty well, you can say this and that, but whoever, to me, I call them *the offenders*. For the last 12 years, instead of fishing for—even for profit... the greed that I've seen out there... the use of these big Yamaha boats of up to 30 people at a time will spend two to three months on the east side and just go and just rape the outside of that side of the ocean, because if you go there now I'll challenge any of you if you guy free dive, come out there—yanggen mâtto i tiempon bendebât, bring your snorkel, be safe, and you'll understand what I'm talking about.

In the past we had SCUBA divers, yes... and it was mostly CHamoru men, and I've known all these old men, and they've never—they fish, because they needed to make money and also to sustain the family, but they never went and wiped out for profit and greed. The amount of stores that have picked up in the last ten years—fish stores—is a good prime example of this type of abuse that's occurring around the island. The east side of Guam is already like the west side of Guam, and I am in support of this ban and respect to those who do not support it. They have their opinion, but just because I've fished out there all my life, I see it. Fish... growing up and fishing on that side... the fish have a *pasaderu*—most fishes—the Lâggua, the atuhong, the tataga', hangon... they follow a certain area and stay within certain radius, and I hope there's a scientist here who can verify that. And at night, they're helpless, and I've seen a lot of damage done. Ya ha afekta todû. Yanggen mâtto hao gi lamasa, un afekta ta'lo i hagâhaf, i tagula, yan i kichu siha. I adu... if there's an ecosystem in every little corner within every mile of this island around the island that these fishes live, and if you wipe out that area, there'll be nothing left.

It's been a long hard nine years. The first thing I want to say to Senator Clynt Ridgell is my apologies to you. It's a very sentimental issue to me. I have respect for you—my apology to you. When it came out... they were showing the Saipanese guys putting it out that, “Hey, atan ha' este...” making fun, banidosu, showing off... that hurts, because I've fished a lot. I never go out of greed.

Hagas ha' manhoben hit, if we wanted to tångke on the east side, we would be filthy rich, but that is our domain—the ocean is our domain as a people for future generations. No individual or no group of people have the right for profit and greed to go and destroy this sustainability of fish stock, and that's where I come from. It's very important to me—been nine long years. I was very frustrated in the past—it went through some senators, some of them are not here, but I seriously want you to consider putting a ban on the use of SCUBA.

It's banned throughout the whole Pacific region. All Pacific nations—you go Samoa, you go to Northern Marianas, you go down to New Zealand, you go everywhere... it's banned. You know what's lucky about those people? There's availability of grant funding for conservation to help the local industry build up the fish stock, and that's advantage of this. You talk about economics, that people want to do it for profit, “Oh, but they have to feed their family,” and everything... it's more than that. There's a lot more opportunities that will come in the future if they look for it through grants and everything else.

I just want to say *thank you*, my God—there are a lot of you here. Thank you, Primu Joe and all of you... please take this under consideration, and I pray that you consider banning the use of artificial lungs, whatever you call it in the SCUBA. Thank you.

Chairman Ridgell: Thank you, Mr. Nelson, just to clarify, I want to be clear... are you in favor of banning SCUBA *fishing*, because some people—

Mr. Nelson: Yes, I am in favor of banning SCUBA *fishing*.

Chairman Ridgell: The reason I want clarification is some people are confused, and they think this is to ban SCUBA *diving*, period, and I just want it to be clear on the record—

Mr. Nelson: No... that—

Chairman Ridgell: ... when you are saying your support of—

Mr. Nelson: The use of SCUBA while you're diving at night, that's a big factor, even during the day. Yanggen un gacha' amānu na manmamaigo' or where they kick back or where they go back and forth—

Chairman Ridgell: For fishing—for fishing, right?

Mr. Nelson: Yeah...

Chairman Ridgell: So are you—

Mr. Nelson: Day or night, you go into those caves, you will wipe them out.

Chairman Ridgell: So, do you have any problem with SCUBA diving without fishing?

Mr. Nelson: Well, there's nothing wrong with SCUBA diving.

Chairman Ridgell: I just want it to be clear.

Mr. Nelson: I mean, you have MDA, you have these professionals—master divers that take tourists and everybody out, and they are more concerned about the fish stock being there, because that's part of—why take people to the zoo when there's no animals? I mean, bottom line... I am against it, and if there's any fines, I feel that the fines should be really hefty—an amount of like ten thousand dollars, and all fines and all equipment and everything be given to Aquatic and Wildlife to help them do enforcement.

Chairman Ridgell: Okay—thank you, Mr. Nelson.

Mr. Nelson: Thank you.

Chairman Ridgell: Thank you.

Mr. Aguon, please introduce yourself for the record before you begin.

Mr. Celestino Aguon, Division Chief of Aquatic and Wildlife Resources – Department of Agriculture: Håfa adai Senators. My name is Celestino Aguon. I am the Division Chief of Aquatic and Wildlife Resources. I am here to express my support for Bill 53-35, basically a bill that will ban SCUBA spearfishing in the island of Guam.

We will be submitting written testimony in this regard, and I must apologize, and that will be submitted afterwards. Basically, to continue as is, is basically conducting unregulated fish harvesting around the island of Guam. So, what we are basically looking at, would be the spearfishing of fish who are basically sitting ducks if spearfishing is occurring at night. And so, what we would like to see is that to be implemented as far as this regard.

Is this the final answer? Absolutely not. We don't believe this will be the final answer as far as the recovery of Guam's fishery, but I believe this would be basically a start in the right direction, and we will be submitting our testimony in that regard. Thank you very much.

Chairman Ridgell: Thank you, Mr. Aguon. Mr. Taitano. Please introduce yourself before you begin your testimony for the record, thank you.

Mr. Johnny "Atulai" Taitano, Fisherman: Good afternoon. I'm glad to see you senators all convened. Missed you the other day—half of you at the Veterans Memorial, but this is more important I can see and understand that. I'm not a public speaker so, I'm not going to dwell on ifs, ands, and buts, but I love my ocean, I love my island, I love my fishing. Fishing has been good to

me. Look around this room right now, and I don't think anybody has caught half the fish that I've caught, and I've paid a hefty price for it.

The government's come down on me like thunder; I've been arrested thirty-eight times. Formally and informally, I've had \$50,000 worth of gear stolen. I've lost over a hundred thousand pounds of fish that was confiscated by the government, and what have I gotten for it? Nothing. Like I said, I love my island, and I love seeing the kids coming out, trying to learn something about our island. How long have I been fishing? I'll be 75 in two months. I started at seven with my grandfather, and in those years, you learn about everything from the moon, to the sun, the tide, the weather, the rain... and whether you did something wrong the night before, because you're going to be gratefully rewarded the next day, or you're going to get punished.

That's our tradition; that's our culture. I'm not saying that SCUBA fishing is bad, because I look around, I see a couple of guys that did real well; they got the rewards; they got their picture with their big prize fish, but the real problem isn't in this room right now.

Our fisheries is—the demise of our fisheries is due to other causes, and I see it every day. You want to catch my gang? Where am I at, Senator Wil? Down at the Boat Basin—five o'clock—you two, Clynton, you know it, drinking with the Boat Basin Bottom Scratchers. We watch the fishermen of Guam, and the real fishermen of Guam, they're not in here, and I'm talking about the Chuukese. In the last five years, they've opened up 18 fish stores from Malesso' to Andersen, and if I'm wrong, they brought in over a hundred and eighty boats—some of them registered, some non-registered, and if this is my real reason to be here, is the fact that one day minus tomorrow, somebody's going to get in a horrid accident, and I'm surprised it hasn't happened yet. Somebody's going to die, because no license, no lights on these vehicles—half of them don't have life jackets, and because of SCUBA fishing, three of their young men have died in the last three years, and I know this for a fact. For what type of accident, I don't know, but one is the son of one of the fish market owners.

Well, you want to talk about what does it do to the fish—let me tell you something—all the fish I've caught... I've had to study—fish are smarter than—when you're in the water with fish, they're smarter than you in the water. You want atuhong, I can take you out right now and show you a Conestoga wagon of atuhong[s]. They're not dumb. When the divers go out, certain things they get conditioned to: the sound of engines, lights... they're not stupid. Now, what I admire now, is the boys are going out, and they're catching Mahi Mahi with spearfishing. Now, that's a trip. Or a nice big, yellowfin. But all the inshore fishing involved with SCUBA, that's all baloney. I've been fishing for atulai for 68 years, and it's all reflective, and it's all relative. You want to put a ban on something, put a ban on stupidity. Have the regulators come down there and they do their job. But to ban something like SCUBA fishing. There's no man in the world that's smarter than a big atuhong that I know hiding out there. And that's all. I'm not going to take any more of your time. Thank you.

Chairman Ridgell: Thank you, Mr. Taitano. Thank you. At this time, I'd like to call up some more members of the public who have signed up to testify, including – I will call up the names but

if you're not here to testify, orally, and you're just here for support, you don't have to come up. Thomas Flores. Rhoda Baston. Christianna Ebio. Roy Brown. Kathy Brown. Victoria Manley. Nyssa Galanto. Someone with the last name, "Hamilton." I'm not sure what the first name is. From UnderWater World. Sara. Is it Sara Hamilton? Someone with the last name, "Cabral". I apologize, I can't make out the first name. F.M Cabral II. Luis? I apologize, Mr. Cabral. Jacklyn Quintanilla. Mallory Morgan. Davianaree from Marine Mania. Mercy, I believe, from Marine Mania, as well. Roman Edquilane. We'll begin with this panel, first, beginning from the left.

Mr. Luis F. M. Cabral, II, Fisherman: Good afternoon, Senators. I'm just mentioning I feel kind of weird because so many of you I have history with, and the last time I sat in the legislature was around '76. That was the last time. Student Government Day. I was somewhere in the corner, trying to make a speech and not lose it. I'm here today, because, one: originally, I was trying to make a decision whether I was for or against this bill, and I'm sort of stuck in the middle because of certain reasons. Many people kind of know my opinion on this. Some of the opinions were loudly stated. Thank you -- now I found out he's *Uncle Johnny Atulai* -- it's something I didn't want to bring up. I try not to bring up and in that fashion. Before I begin, I'd like to just tell you kind of a story which relates to this.

The wife and I are having dinner—KFC over at Gun Beach when the right side was still open, and it wasn't blocked off. And I'm sitting there, watching people going out into the water. Of course, Gun Beach is a popular dive site for night diving, as well, for SCUBA divers. But for a little bit there, it didn't look right. First, I thought there were people having problems and then, next thing I know, a particular pattern occurs with what we call the up-and-down for free-diving or even just spearing or doing whatever but no SCUBA. Immediately after that, a boat pulls in and picks something or somebody up. In the process, I thought maybe I'd call it in. GPD. Couldn't get ahold of anybody. Nothing. We tried for a while. Then I would decide to go down, because I kind of recognized one of the boats. Just to confirm my suspicions, I went all the way down to Agana Boat Basin and low and behold, the very same boats were pulling in. With that, what brought to me was the problem with the bill was, yes, we talk about the enforcement, but it's also the lack of the funding for the enforcement. My fear is that even though this mandate, if it becomes a law and it goes out, I have spoken with aquatics guys on this a lot. The biggest issues is support for them because these guys already have a lot between land poaching, sea turtles and making sure that someone doesn't start a fire up in the hills, so that way they have to wait for somebody to show up and go deer hunting that night.

And, by the way, I'm a fisherman, both free diving, or used to be. I've SCUBA speared, but I'm very, very selective. And I was a bow hunter for both pig and deer. I hated shotguns. They were a little too rough on my shoulders. But the important thing was I was raised to respect what was out there and to be honest, we have lost control of the waters. We have lost control of being able to say what we can do out there and who goes out there. Everything. I've asked questions. I've asked. All the answers I got back is, "That's not available. That's not available."

We don't have permits. We don't have the designation between what's commercial and what's recreational. As far as fishing is concerned, it doesn't matter whether it's rod and reel on the boats.

The only commercial fishing we know are the charters. That's it. Part of my issue with the bill. One moment. I just lost my thought, there. Sorry for my health, I've been sick for the past couple of days, so I've been just trying to put it all back together. Actually, I wanted to go back to something, because I feel after seeing high school kids here, as well. I'm a certified SCUBA diving instructor. I have taken people through all sorts of training. This is as of—2018 was my 20th year as a dive instructor here on Guam. I've worked in Palau. I've worked in Yap. I've done in other places where they've actually asked me if I could help and work. I've actually seen some of the fishing practices while I'm there. I guess that's the advantage of them finding out you're an islander. "Come with us," type of thing. They introduced me to all these other aspects of their fishing. The important thing is, and it was mentioned earlier, there is concern, on my part, there are people out there fishing who are not certified who shouldn't even be in the waters.

There are people fishing, free diving, who have no idea what they're doing. They're just buying a spear gun out of the store and taking masks, snorkel, fins and going out. That's what it was. It brought me back. I have, unfortunately, in my 20 years as a dive instructor, I have pulled up two bodies from the water. One, a free diver snorkeler who died from shallow water blackout and a SCUBA diver who basically died of a heart attack. I do not have a distinction between the two, because I do not see the distinction between SCUBA and free diving in regards to this bill.

The other concern I had with the bill was in reading it, any other devices using SCUBA that – unless my understand – I'm waiting to hear how they're going to go about this, but how about for people like Marine Lab, UnderWater World... people who make a living off of collecting exotic fish for aquarium, things like that, how will we deal with that in this bill? How will that be dealt with? And the biggest thing for me is, again, going back to the education for this. I mean, in fact, I just had an interview with Rlene Steffy regarding the village of Asan and growing up there, we were taught that when you went out into that water, you respected everything that you did out there.

I kind of look towards Senator Shelton, and I'm proud to say that name for the second time. You know, after so many years that she would know that behind their place, unfortunately, I mean, Mr. Nelson talks about the eastside being depleted. My favorite dive spot is Asan. I grew up in that watering hole. I played there. I fished there, among other things. Now I go there, if I'm lucky to find one octopus or a fish bigger than my rib past my wrist, I'm lucky. I go out there now, and there are days when that place is desolated. I have seen, firsthand, what happens under there. Well, they'll just go right by me without a care in the world and completely wiping it out. And we know exactly whose boats and where they're from. If we're going to ban spearfishing on SCUBA or anything, why don't we go a step further and ban spearfishing at night altogether. That's where, according to Senator Perez, the fish are at their weakest. That's when they're at their most inactive. That's when they're most vulnerable. So, if we're going to do that and take a first step because now, we need to worry about how many more guys – conservation – how many more conservation officers are you going to need? After doing Palau for a job I did there many years ago, I'm sitting there with 124 Koror Rangers, and I'm looking at only five or six here on Guam to cover the entire island. That doesn't make sense to me when we only have that.

I remember there used to be a lot more and then it comes down to, “How are we going to know?” So, even if we ban it and I’m glad for Johnny bringing up the fact that you got guys that are out there free diving collecting big fish. But if they have to have a SCUBA tank on the boat, what happens when they come in, and they inspect the boat and they see spear holes on it and they see a SCUBA tank off the side but that SCUBA tank’s only there for emergency purposes. Are they going to be held liable for just having that tank on the boat?

There are questions and I only ask this question because I also follow with the state of Hawaii in regards to competitive spearfishing. And in most cases, the last time I looked at a flyer from Hawaii for a tournament, an entire page of those who have passed from free diving – an entire page. I’m sure it’s bigger than that, right now. We have our own cases. Even though it wasn’t supposed to happen, I found the ashes of one of our Asan boys out there because his family wanted to put him where he belonged because he died free diving, spearfishing out in our waters. So, there are inherent dangers in both. Now, like I said, we’re going to do it, I would go for ban spearfishing altogether at night. That would be a good start. Otherwise, I could see permits, fees, anything, seasons. After spending almost three weeks to a month in Palau, I had a chance to talk to them about all those things. I see how it works. Even in the Philippines, I’ve seen the process work. Someone mentioned policing the industry. There is no paddy police, as we call it, but there’s a possibility of an organization who can control what’s going on out there. That’s out there in the open, for now. I am neither for or against it, I’m just concerned on how well the language will reflect what really needs to be done and the support that’s going to be needed for the gentlemen that are in Mangilao, they have to cover an entire island, both land and sea. And now, my understanding in the air when we talk about birds, fruit bats and stuff like that. Thank you.

Chairman Ridgell: Thank you, Mr. Cabral. Sir, if you could begin, please turn on your microphone and begin by introducing yourself, first. Thank you.

Mr. Roman Edquilane, Fisherman: Thank you. Good afternoon, Senators and everyone here who’s present now. My name is Roman Edquilane. I’d like to start by describing my experience in chronological order.

I started spearfishing since ’77 all the way to about ’83 as a free diver. But I got in SCUBA in 1980 – ’79-’80. I’ve been taught from my older, my seniors that we do not deplete the stock, we don’t finish the parrot fish or the tataga or whatever species by wiping them all out in one area. What we did is we were very selective. We would fish only those that are mostly males, a certain size, we didn’t go after everything. We didn’t do indiscriminate spearfishing. And we’d leave that area after a while for the longest time and then we come back and it’d be the same. The stock would be replenished. We kept doing this for years and I learned this. I’ve seen it happen time and time again. It was a successful plan. We weren’t wiping out the fish. We would take what we can, what we need and that was it. We leave the rest alone.

Now, you talk about the depletion of fishing. In 2006 – late 2006 – I had to leave spearfishing alone. Also, in ’87 through ’90 because I had to go active duty and join the army—2006. For about 9 ½ years, I worked for SRF, and fishing was still okay. A lot of my favorite spots still had a lot

of fish that I liked, but when I came back to it early 2016, I came back to it. I was surprised to see how little are – and the few fish that I saw were usually small. Those were up from 60 feet up to 5-10 feet. These are areas that are around Spanish Steps, over by Cabras Island, Cocos Island. Tataga would replenish themselves fairly quickly as long as you don't wipe them all out. You have a lot of little ones, you leave the little ones alone, they grow big. But if these boats that they come out here. Eight divers, six divers on the boat, sometimes more. Sometimes we see two or three boats there. I see them there; they're raking the reef. That's literally raking the reef. They're shooting everything. Whether they sell it or not. They'll take it home if it doesn't sell. They're not really thinking about it. Myself, I have a brother-in-law—he went back to Chuuk earlier this year. He told me what he knows about his countrymen.

The Chuukese that are on these Yamaha boats, the skinny little boats. He said that he knows what they're doing is wrong, he knows they know what they're doing is wrong, but he didn't explain to me. I have my own theories as to why he said that and what they're doing. Maybe I could talk to you about that later. It's disappointing and frustrating to see this thing happening right now, because we were being regulated to death, already. They've approved since 2000, they put into effect the fish conservation. The fish preserves over so many nice areas of the island where we used to go a lot. I was all for that. I was in favor of that. Because they say, "Hey, we need to protect the fish."

Certain areas, certain species are not very fast to grow, and the ones that are really big, they need protection, too. I was all for the fish preserves. Those same guys, those Micronesian guys on those Yamaha boats and Marine 6, they're running out there, and they don't care about the law. They're going into these preserves. I've seen them many times. Piti. Piti bomb hole area. As Gádao down south. I see them going there a lot, and I heard from some friends of mine that got pulled over because when they came up, they were being pushed quickly into a marginal area where the fish marker was and they were picked up because they were diving and they just got up there. So, they seized their fish, but they didn't catch their fish inside the preserve. Yet they saw another boat that didn't get picked up. But they're so much more elusive because they're very low-profile. Those guys got away.

When they did get caught, finally, a friend of mine told me what they did was let their congressman know or whoever's in charge of insular affairs in Washington, and then Washington calls Guam and tells Guam. "Hey, you guys got to let those guys' boats go and return all of the equipment." That's not right. Why do they have diplomatic immunity? Why are they able to fish in the preserves without punishment? One of the local guys were there just by suspicion because we ended up finishing our dive right at the margin of the preserve. We get arrested, and then we're not sure if we're going to get our gear back. I have a couple of friends like that who fell into that category, and they don't know why the other fishermen – they're from off island – why they don't have laws binding on them? Why is there two-way standard there?

That's one issue I really like to see and find out more about what's being done about it. I don't know. Are we turning a blind eye to that because those outer islanders have much more hold over the U.S. because of the tuna fishing grounds? Is that it? It's all politics? That's all? I don't find

that fair. Fair is fair. What are we going to do? Whatever it takes to find fairness and treat all fisherman alike. I agree, fishing needs to be regulated, and this should start with them, because they're not following the law. I just feel so upset about this. I forgot what my other points were. I didn't write it down.

There's only a few people that fall in the same category, are very similar to mine. They're still SCUBA spearfishing, today. I only know seven that are actively doing it. Half of those guys only go when the moon is down. It's not bright. Because when the moon is up, the fish have the advantage. They're a lot more machålek or wild. They're a lot harder to catch. People think that it's just like going up to them and putting them in your fish bag, but it's not that easy. If it was so easy, why aren't there more people doing it? Those other fishermen are complaining about us? They do that, because they do it out of spite and out of jealousy, because they can't do what we're doing. I've never been bent, I never had to go to the chamber. But I know that I've gone into slight decompression sickness. Mild. Not enough to – I'd be over it within an hour. That's how mild it is. I don't know what I'm doing. Sometimes we take chances. That's how we sometimes get hurt. But we don't have to take chances if we know things are going to be fair.

There's only about seven of us right now. A lot of my partners, they were like 10, 15, 20 years older than me, a lot of them have died or have gone the way of the dodo. They're no longer around. They can't do it anymore, because they got some kind of sickness. What we started out with was supporting our families, bringing fish home for special occasions. But then, in my case, I found it beneficial to supplement my income help put myself through college at UOG. That's what I did. If you can imagine that.

I hope you really give this some serious consideration and think about trying to help us, because we don't even show indigenous rights or support of it. I don't see any. I'd like to see some kind of action on that, because we don't seem to have any indigenous right. All the regulating I see going on right now is against us, and it's helping the outsiders. I don't see why that is. That's not fair. Right now, that's all I have to say. Obviously, I'm against the ban on SCUBA spear, but I'm greatly in favor of the Fisherman's Co-Op headed by Manny Duenas. And my friend's fish store, Machålek Fish Store in Agat. You can see what kind of fish we bring in over there. Thank you.

Chairman Ridgell: Ma'am, you may begin by introducing yourself first for the record, thank you.

Miss Mercy Giluniy, Student – Marine Mania, George Washington High School: Good afternoon. My name is Mercy Giluniy. I am a student at George Washington High School. I am here today because of my club that I am in at GW which is Marine Mania. Lately, when I first joined the club, we started doing a lot of tabling outreach, and we talked about the ban of fishing with SCUBA. I have heard a lot of pros and cons about it. I am not against anyone's culture or people's traditions or practices, but I don't believe that fishing with SCUBA is a tradition or a part of our culture.

Back then, we fished with spearfishing or free diving but unlike these other fishermen, I haven't been around very long or done a lot of fishing. As far as I know, I have done a presentation at the

B(reef)ly Ours that NOAA created at the museum. When they were giving us the introduction, it talked about how like over the period of time when people kept fishing, the size of the fishes kept getting smaller and smaller. That's a bit concerning to me, because for my generation and the future generations, I want my kids and my kids' kids to be able to see parrot fishes and many kinds of fishes in our oceans today. I want all of us to see it, because our island is beautiful.

People all around the world come to see it. It would be really sad if in the future, not many of us will be able to see the beauty of our island. I am in support of this ban. I'm very firm that this ban will contribute to our island and our practices. Our environment plays a big part in our culture, and I believe if we do more sustainable practices, we are also helping our own culture. That's all I have to say, thank you.

Chairman Ridgell: Thank you. Ma'am.

Ms. Sara Hamilton, Curator – UnderWater World Guam: [Written testimony presented orally.]

Chairman Ridgell: Thank you. Ma'am?

Miss Christiana Ebio, Student & Vice President – Marine Mania, George Washington High School: [Written testimony presented orally.]

Chairman Ridgell: Thank you. I'd like to call up the next panel: Maria Keltermark, Jennifer Weir, Chelsa Muña-Brecht, Leilani Sablan, Nathaniel Martin, Whitney Hoot, Chanel Salazar, Monique G Amani, Gabriel Jereza, Jean Pierre Estrellado, Shiron Veksler.

All right, and we will go left to right. Again, Ma'am on the far left, please begin by introducing yourself, and then you may begin with your testimony. Thank you.

Ms. Whitney Hoot, Coral Reef Resilience Coordinator – Guam Coral Reef Initiative: [Written testimony presented orally.]

Chairman Ridgell: Thank you.

Ms. Chelsa Muña-Brecht, Director – Department of Agriculture: Håfa adai, Senator Ridgell and Committee Members. My name is Chelsa Muña-Brecht, I'm the director of the Department of Agriculture. I assume most of you are in possession of our testimony.

What I would like to do is kind of deviate from that a little, because a whole page of that is just facts, and for expediency's sake, I'd like to give everyone an opportunity. What I would like to do is just go over my recommendations with you.

[Refer to written testimony as provided in this Committee Report.]

We are of the mind that issuing citations which would be more beneficial to the department, and in lieu of arrestees being able to pay the fines for the citations, then we would gladly take it in community service to the department.

Amend board any vessel or inspect any vehicle so that they can also inspect cars versus boats and add a provision for harvesting with permits from issued by the department for educational and research purposes. We do that already for the marine preserves. Additionally, add subsection 63116 to make it illegal to purchase caught fish or harvested fish using SCUBA or other underwater breathing devices

[In Reference to Item 5...] The department would issue a limited number of permits to individuals who are in compliance with specified requirements think individuals who are actually certified to be SCUBA diving versus those who are not.

Chairman Ridgell: Thank you.

Ms. Chanel Salazar, Fisherwoman: Good afternoon, Senators. My name is Chanel Salazar, and I have decided to speak today because it directly affects me and as well as all the other fishermen and fisherwomen. I, myself, am a hunter and a fisherwoman so, me going out there past the reef and seeing what is happening, the fish depletion, it really concerns me, and it concerns me because I have fished in other waters in our brothers' and sister islands, and you could really tell the difference. Palau... there's so much fish around everywhere mostly because they have a down pack regulation of their fisheries. Saipan, Rota... I mean, me as being a female free diver, it's alarming to me, because I think if this is how it looks now, imagine what it will be when I have children that I would want to pass the culture to, and like you were saying, it has a lot to do with conservation and making sure that there are regulations that will help heal our waters, because it is a problem.

I would be camping in the west or the east side of the island, and I would see those Yamaha boats with their lights going to where I know that is absolutely preserved, and so, it—like I said, it alarms me, and I hope that measures will be taken to really improve our island, because at the rate we're going, there will be no fish for my children and the children to come, and I say this as a fisher woman who actually goes out there and sees the condition of not only our reefs but the fish itself. I don't dive deep; I don't SCUBA tank, but even the depths that I am able to reach, it's concerning, because all the fish that I used to see growing up, diving outside of the reef, we had to learn.

I started off fishing with the net, fishing for atulai, and you eventually graduate and try the tekken, and then as I got older, I decided, "Okay, let's go outside of the reef," and the knowledge of my ninus and uncles were passed down to me, and I would hear them, and they would always talk about how there's just no more fish anymore.

It's hard... it's very hard, and it is alarming to me, and I hope that the legislation and the government really sees to help fix these problems of conservation officers watching over. I know we have what is it? Five or six out there, patrolling the bodies of water. The funding to make sure

that these regulations are intact is very important. We can't enforce what we cannot even fulfill which is our conservation officers so, it's my deepest hope that we do find the necessary steps to help rejuvenate our reef most of all and then help sustain it. Thank you.

Chairman Ridgell: Thank you.

Mr. Jean Pierre Estrellado, Owner – Pacific Ark Aquatics: Hi, good afternoon, Senators. I'm Jean Pierre Estrellado, I am the owner of Pacific Ark Aquatics, and I'm General Operations Manager for the Golden Fish Pet Store in Barrigada. I am also a fisherman. I was thinking earlier, because some people were not necessarily opposed or for the bill, and I'm kind of floating in between that as well, because I mean, I spear fish, myself, but I'm out there to feed myself – to feed my family. I catch what I need—two pieces, three pieces, max, but it seems like the concern here is people going out there for commercial purposes and raping the reef, and I see it, myself, we can all—it's popular. Today, we're talking about these Chuukese fishing boats, and I know that's the problem, but the reason why I'm really here today is because this bill, the way it's written—the language that is in the text there, it's going to affect my operations and my business.

If I can elaborate a little more on what my company does is we export live aquarium fish to wherever United's willing to export it to for us. We supply pet stores. We supply to wholesale companies that supply public aquariums, research institutions... there's a lot of different institutions that our fish go to... propagation farms... so, there's a big movement now, and it's really popular, save the world, save the planet, conservation, and a lot of these aquarium fish that are being caught in the wild are actually being bred in captivity now, and we cannot first get those specimens until somebody catches it. So, there's a lot of people who are also against export, but just like somebody was mentioning the other day, in agriculture, if some people weren't breeding certain species of birds, those birds would have been extinct.

Just like our ko'ko' birds, we had to first go and collect everything first before we could start that breeding program. Now, there's absolutely nothing in the wild, and that's where I see this industry is going to—with global warming, climate change. I see all the corals bleaching, a lot of the corals are damaged. If you destroy habitat, then you lose the fish. I don't necessarily believe that taking all the fish is going to affect the populations, because the way I see that fish breed. They go into a pelagic larval state. I mean, even if you wipe out all the fish here, they're going to warm over from Saipan, they're going to warm over from Palau. There's so many points that I can make, but I'm going to sit here all day, and I have so many things I want to bring up, but the way the bill is written is that you cannot collect fish using SCUBA diving or equivalent while collecting aquatic animals.

Even though the bill is for spearfishing I don't do any of that, but it's still kind of classified, and I don't know exactly if you guys are trying to attack that industry, itself, but that is my livelihood. I was trained by Underwater World. I used to work for them, I used to collect for the aquariums there, I was an aquarist and an animal nutrition specialist back in 2002 so, I'm very educated as far as conservation in that perspective. I don't catch more than I need. I feel like there's a substantial amount of fish that's available in the ocean. It seems like everybody's concerned about the food fish, and that's not what we're collecting.

We're collecting fish that people don't eat, people don't know about, fish that people don't even see. We're investing into deep water exploration to look for species that have not been found before since we're right here on the Marianas Trench which is high probability that we're going to come across some new specimens, but if you put a ban on being able to collect with SCUBA diving reef breathers, it's going to hinder those kind of activities—those new discoveries that we could possibly make. What else is another thing? I feel like with this bill, it's not going to solve the problem, because it's not just—these Chuukese boats that we're talking about, they're not all fishing with SCUBA. When I'm out there, I don't even see any SCUBA tanks on their boats. So, you're basically just going to create a ban that's not going to affect the overall problem. I can still go out there at night with my Hawaiian sling and catch fish, and that's what they're doing, and they're wiping and they're very efficient at it. So, SCUBA or free diving... it doesn't matter. I think if the issue is trying to preserve the fish stocks, I think you should just put limits on catches.

I mean, I know it's going to take a long time, and there's going to be so much wording to put out a bill that's going to properly cover everything without affecting the certain industries, but I think we should look at the main issues here. It's those fishing boats, it's the fishing at night, it's catching fish for commercial purposes... I don't want to go to Pay-less and spend \$18 a pound for parrotfish.

Unfortunately, I was too ambitious to not be able to qualify for food stamps so, I have to actually work hard and go buy fish at Pay-less—that doesn't make any sense. I like to go catch my own, and I'm not being greedy out there. I'm not catching—I'm not stocking my fridge or selling it. That's something you need to look at and take into consideration that there are people that are just trying to feed themselves, feed their families, and I'm one of those. It is easier for me. I don't want to go hold my breath and get a headache. I have to swim down 70 feet to go shoot something decent enough to eat, but that's something that they really should consider.

I am against people going out, collecting or spearfishing at night with SCUBA, wiping out the reefs for the fish shop, selling it, making a profit on that—especially catching all the large fish. I don't catch any large fish, I catch all juvenile fish that people are not going to eat, fish that are profoundly but and I don't break coral. I understand that the habitat is where the fish live, and if I destroy that, then there won't be any fish, and then I will have no business. I think it's all about responsibility, and everyone's talking about education. I think we need to invest more into education. A lot of the people that sign this petition that they put out, they don't even realize that they're affecting other industries. I have nothing to do with the main concern of this, why this bill was written. It's going to affect a lot of things that they don't even think about. I have friends and people that I bring business to from my business that have signed this petition, not even realizing, because they don't understand the words and text that they are putting me out of business when I am their ally, when I am a business associate, when I am their customer, because they don't properly understand this bill.

I think another thing you should put out a—I guess, something to help guide people about the bill, what it exactly entails, how it affects everybody, because a lot of people are just, with a popular ideology of *save the planet conservation*, you're kind of just winning that popular vote of banning

it all together when people don't really understand what they're signing, and I mean, I can go on and on. I could put out so many points here, but I just want to say lastly that this is my livelihood. There are people in this room that have led me up to this point. I've worked with Department of Agriculture for many years. I am a veteran the kids fishing derby champion. That department, itself, has promoted to me as a child to use fishing for my livelihood. They promote that so young people would be able to learn to catch fish and use our natural resources and forage for own food. We have miss Linda Tatreau there who got me dive-certified when I was in Marine Mania. Underwater World as well... everybody that's in this room kind of helped to get me to where I am. I'm going to be sad if everybody's voting against what I do, because of something else that has nothing to do with me and affect my livelihood, put me on welfare. I'm willing to work. I'm a hardworking person, and I'm sure there's others like me that are going to be affected by this. They're probably just not here today. I don't feel like the majority of the people in this room represent the fishing community that it's going to affect, and I just hope that everybody would look into it more and gain more understanding and look at different perspectives. I'm not necessarily against spearfishing while on SCUBA, because I realized that it should just be regulated, but there's a lot of little details in there that need to be worked out, and I'm hoping that you senators will get together and take into what I want. To count what I say as well as you know everyone else's points, but that's pretty much it. Thank you so much.

Chairman Ridgell: Thank you very much. Thank you, Everyone, for your testimony. At this time, I have to beg your indulgence. We have to take a short recess so that we can take care of some issues on the other side at session—recess from Session, come right back in here, and continue the public hearing. I can beg your indulgence for the remainder of people who have yet to testify, please hang out so that we can—about 10 to 15 minutes so we can resume this public hearing. Thank you.

THIS HEARING RECESSED AT APPROXIMATELY 4:35 PM.

THIS HEARING RECONVENED AT APPROXIMATELY 4:45 PM.

Chairman Ridgell: Håfa adai, and good afternoon, Everyone. Håfa adai, if I can have everyone's attention? Good afternoon, we are resuming this public hearing. Thank you for allowing us the opportunity to recess momentarily before we resume. I would like to call up the last members who were sitting at the panel. Forgive me, I don't know who they were. But if you know who you are, please come back up. So, you can submit your testimony.

And if that's it, I will call up some more names. Julie Hartup, Jon Deloso, Greg Pangilinan, Jay Gutierrez, Manny Duenas, Michelle Voacolo. My friend, Robert Celestial. If you're here to testify. Paul, I'm not sure if your last name. Paul Villanueva, Robert Ross, Patrick Atherton. Alright and we'll begin again from the left with Mr. Celestial.

Mr. Robert Celestial, Fisherman: Håfa adai, guåhu si Na'maolek, Robert Celestial. Greetings, I want to thank everyone that is here today, it's not hard to confuse me. Really, it's not. However, I grew up here in Agana, behind the courthouse and my brothers and sisters and my cousins and my neighbors. We all fished in the 60s and 70s. We just walked down Agana. Marianas divers up here in the corner. We used to get all the equipment and go out there and fish. And I remember, catching octopus. We get pan de leche and just cook right there on the beach and eat. We enjoyed that. We would even, when we got older, we go out over the reefs and net. Spend the whole weekend out there and catch fish. But when my wife and I retired from the military, we came back in 1996, in 1997, I just wanted to go out there and bring my Hawaiian sling and go out there and I couldn't find a fish. Everything was white, the coral was dead, and I said, "My God, what happened?" and that was back then. So, I stopped fishing, but I tell you that because I found that about this public hearing today and I'm hearing you know professionals and experts and scientists and everything.

But it reminds me, in 1994, when I did my research, till 2000. And a lot of you know about the nuclear fall-out here on Guam and it reminded me those days when our government didn't believe what I was preaching. About how we were affected by nuclear fallout for many years. And I remember our congressmen and woman and our governors and senators at the time, didn't believe a word I was saying. The Atomic Energy Commission, which is now Department of Energy hired two scientists. These two scientists, wrote against my four-page report about Guam being exposed to nuclear fallout, because I was stationed in the Marshall Islands, and I was affected, and I cleaned up that 43 nuclear bombs that was detonated out there in Eniwetok.

So, when these two scientists wrote about me and my claim that Guam was exposed to high levels of radiation, they wrote against that it was too far, and nothing happened, people of Guam are safe. But then years later after that, the National Academy of Science invited me to go there and present our case. So, the National Academy of Science found out the evidence we had, those two scientists didn't have so they determined that the evidence that I presented was correct, that Guam should be included in the Radiation Exposure Compensation. I bring these analogies because of this issue right now is because I hear both sides. One that you wrote here that Guam's stock of certain species of fish is still declining in an alarming rate, and to me this bill is blaming the SCUBA fishermen. Basically, that's what it's doing.

Then I hear about Yamaha boats, I hear about net fishing, free dive fishing, rod and reel fishing, and then I hear the scientific evidence that they're bringing that. Why? That worldwide island, the other islands have went ahead and passed laws to prevent SCUBA fishing.

As a CHamoru indigenous person of Guam, growing up fishing here in the island, and I understand the young lady that said it's not indigenous to the people of Guam using SCUBA gear, we can read all the scientific data and everything and believe it, but really what is the real issue here?

Is the depletion of our fish... that's the real issue—that's why we're here. How do we prevent our fish from being destroyed? Our coral from being destroyed?

You know, I give you guys a lot of credit. You're highly intelligent, and to pretend that it didn't happen back then, when they said that our nuclear detonations didn't reached Guam, it's almost like I'm sitting here, listening to the same thing that they were telling me back then is that *no, nothing happened*. But something is happening here on Guam about our fish, and I pray to God that we do attack the real issue.

The real issue is that people are fishing illegally, people are taking more than what they're supposed to take, and that's the real issue. It seems like, we use all the evidence about worldwide... people, islands are using this, "Hey, they banned it over here. They banned it over here. You know, that SCUBA fishing is really dangerous, its depleting..." but I don't think that's the real problem.

I think you have the power up there, Senators to really attack the real problem. To really believe that here in our island that the true issue is that people want to fish for their livelihood; people are greedy, and that I just hope and pray that we do the right thing. Is that maybe not only this bill, but pass another bill, regulate it. Make the fines higher—hire more conservation officers like the young lady said.

I believe that if we catch them, and we make an example of them, most people won't do it. And have them say, "I don't want to go out there. I don't want to be fined one hundred thousand dollars; I don't want to go to jail for ten years." But what's happening is that we only have 5...6... conservation officers? If one conservation officer meets 20 people out there, whatever nationality you are, he is not going to try and arrest all of them, he's probably afraid.

I'm not saying they are, but it could be. So, I suggest that we hire more conservation officers. Train them well and educate the public. Educate—probably saying, "You cannot do this." I mean, somebody just told me you can go down to the Boat Basin, and someone showed me pictures of coolers—hundreds of fish. I said, "How did they catch it?"

No ice on the coolers—nothing. I said, "My goodness!" And he said, "It's a daily thing, here on Guam, daily. Thousands of fish being marketed." And here we are today, talking about spearfishing. I spearfished at night, because the fish are sleeping. It's hard to catch a moving fish, right? I mean, common sense. That why people fish at night, but I hope and pray that we wake up and really attack the main problem and not pretend that something is not happening when something definitely is happening here on our island. And I thank everyone here today for coming out and expressing their expert opinions, this is just mine.

I hope and pray that we all do what's right and save our island. Save our island, and I hope that it's not an issue of CHamoru against Chamoru or from other nationalities. I hope and pray it's not going to end up like that. I hope that the laws that the legislature pass may really benefit the whole, entire island so, thank you, Senators. God bless.

Chairman Ridgell: Thank you Mr. Celestial, please introduce yourself for the record before we begin.

Mr. Robert Koss, Fisherman: My name is Robert Koss, I'm a free dive spear fisherman, 15 years free diving and five years spearfishing. I've noticed today here in this room, a lot of people are neither for nor against the bill, and I'm just going to keep this short. I just want to address to them that if we leave here today and no act towards conservation for the future happens, then all of us in this room lose. Thank you.

Chairman Ridgell: Thank you.

Mr. Pat Atherton, Fisherman: Sorry, I'm used to introducing myself as an alcoholic, but anyway, my name is Pat, and I'm a fisherman. And I've been fishing—

Chairman Ridgell: Wait sorry, your full name for the record.

Mr. Atherton: Oh, sorry... I thought everybody knew me.

Chairman Ridgell: I know you, but for the listening audience... please.

Mr. Atherton: Oh, okay. My name is Pat Atherton, and I'm a fisherman. I've been on Guam for 63 years. I've speared fished seriously here for more than 50 years, 30 years of that was as a nighttime SCUBA diver with lights and in 1999, when they had the SPG, we were exposed to a whole different type of fishing when other teams from Tahiti, New Caledonia, and everyone came, and we realized that the way we were fishing, was kind of girly fishing, we were going down, putting our gun two inches from a fish's head, and shooting it. Imagine what kind of terrible dream that fish just had.

To me, nighttime diving with SCUBA on a dark night, was pretty much like Easter egg hunting. You find a fish and put your gun this far from its head and shoot it. That includes big fish like atuhong and tanggison. So, most of my friends are still night diving so, I feel kind of bad to come out against SCUBA fishing. I was hoping they would have all aged out, but I saw that tonight some of them haven't. Now that my daughter and—maybe half of these people here dive with me—my daughter, my granddaughters are free divers now.

If the fish were still plentiful like they were when I was tank diving, I wouldn't have no problem with it. But now, the ocean is a desert there, even if you are free diving, to get a lot of fish, you have to go 60 to 80 feet, which I can't do, but I try. So, to me this is a step to trying to bring the fish back.

If I had my way, I would recommend that you stop night diving completely, because even free diving at night, you are putting your gun an inch from the fish's head and killing it. So, what really doesn't seem fair, you can't hunt deer at night, and the deer are still moving around. We're going up to fish that are sound asleep, and we've wiped out—I'm sorry to say, but we've wiped out a lot of fish when we were diving. So, in the interest of my granddaughter being able to shoot a fish someday, I would like to see more conservation going on. And I was wondering if there was a way—that the police have a police reserve that help them, volunteers. I was wondering if

Agriculture could do something like that, because when we're out trolling and diving, we run in to people in the preserves all the time, but we can never get a response from anybody, mostly because they don't boats—they don't have enough people.

I was thinking if we had a reserve, I know plenty of people that would volunteer for it, because – the preserves really hurt the honest divers—they don't hurt the people that are doing it illegally so, the work—the ones of us that don't want to break the preserve, and the ones that don't want to lose our boats, we don't go in the preserve, but we see people all the time. Not blaming Agriculture—they're really understaffed, and I think I talked longer than I was going to.

For me, and Manny is my close friend—I've known him since he was a little boy. We did a lot of things together, but some we can't talk about and then, yeah... so, sorry, I don't even know what I said so far, but I just want to get the point that I feel bad that I'm going against my old diving partners, but there has to be a step started to bringing the fish back, and to me, the best way to bring the fish back is to stop nighttime at all, because then you could tell who's fishing illegally; otherwise, you don't know if they're free diving, if they're tank diving... that is what I would recommend, and I'll end for now. Thank you.

Chairman Ridgell: Thank you.

Mr. Atherton: Sorry I went on too long.

Chairman Ridgell: No problem, thank you.

Mr. Atherton: And I had the bends four times.

Chairman Ridgell: Thank you. Ma'am.

Ms. Julie Hartup, Marine Biologist/Executive Director – Micronesian Conservation Coalition: My name is Julie Hartup. I am the Executive Director of Micronesian Conservation Coalition; I am a marine biologist. I started MCC to help promote more research, outreach, and education to marine biology and future scientists here on Guam.

We are in support of Bill 53-35 and banning SCUBA spear fishing. We also submitted a written testimony; I am not going to go through and read everything here. You can read it on your own time, and I want to allow others to speak.

[Refer to written testimony as presented orally.]

Chairman Ridgell: Thank you.

Ms. Monique Genereux Amani, Fisherwoman: Håfa adai, good afternoon. My name is Monique Genereux Amani. I've been a fisherman most of my life. I grew up on this island. I'm not indigenous, but Guam is my home, and it's the only thing I know. Pat Atherton, he's like my second

dad; I grew up with him. When we first started fishing, I wasn't allowed to get in the water, because I was too young, but I was the boatman and would pick them up and see all the fish that they would catch. I'd be able to get in the water but wasn't able to fish yet. Back then, there was a lot of fish. Finally, at age 13, my brother told me, "If you want to learn how to fish you have to go and shoot a fish, if you don't shoot a fish, you're never coming with us again."

I caught a small, little juvenile fish, and he took it off and threw it in the water and he said, "No, you can't catch a small baby fish like that." It was at nighttime, and I went back in, and there was a parrot fish that was sleeping in a hole and I luckily shot it. At the time, I thought, *luckily shot it*, they still didn't want me tagging along, because I was a girl, but my uncle Pat took me under his wing and taught me.

At that point he no longer SCUBA spear fished at all, none of us did. A lot of people might say that we're hypocrites, because we grew up doing that, but I think that everybody has room to improve and learn from their mistakes. We didn't realize it was a mistake at the time. We didn't really know any better. There was probably about six boats back then when we did it. Now there's hundreds of boats, there's a lot of spear fishermen on this island, including the boats that are going out every day raping our reefs.

I'm not I'm not saying it's a specific group, because I've seen locals fish in the preserves. I've seen locals go out and tank dive still. I think everybody in this room—I know the majority of the fishermen in this room, old and young, and I can honestly say that we all agree on one thing: we don't have as much fish as we did back then. And anyone that's saying that we do, they're lying or they're not fishing. Something has to be done. I'm not saying that this is a fix-all, to ban SCUBA spearfishing or SCUBA fishing, period. It's not, there's a lot of things that we need to do, but it's at least a step in the right direction and a *start*.

Since I've been fishing, I've also traveled around the world for fishing, representing Guam. For a long time, I was the only spear fisherwoman that would go and compete off-island. I didn't even realize how bad Guam was until I went to other places like New Zealand and Yap and Rota and stuff like that—how bad it was on Guam. Rota which is 40 miles away is abundant with fish is abundant with fish you know. Saipan has way more fish than we do. Palau... I haven't been to Pohnpei yet or Chuuk, but the biggest thing I can say is when those teams came to Guam to spearfish here in competition, it was kind of embarrassing. After going to their land and seeing how abundant it was and you could say... perfect example, New Zealand.

That's a huge place, but everybody spearfishes there, and everybody hunts, but their laws in place are way different than our laws here. Like I said, SCUBA spearfishing, banning it isn't going to solve everything, and I think we're all in agreeance with that. Night fishing, you know a lot of people aren't going to be happy with me saying this, and I used to night fish as well, but something has to be done. Back when we were younger, I'm catching the same amount of fish as I was when I was 13, practically.

The east side was loaded with fish when we were younger, and you hear stories from people's grandparents and fathers and everything about how they didn't even have to go over the reef before, and now you have to go over the reef. You can't catch fish inside unless you're catching Mañâhak.

There's a lot of things that need to change, for sure. I think size limits, catch limits, permits... there's a lot of things that have been said today that we need to take in account, but those aren't the issues. Right now, the issue is tank diving-fishing, and I really believe that this is a very good step, and I really appreciate you guys for taking this seriously, because it's a serious issue.

It's going to affect everybody on this island, because in 10 or 15 years, we are not going to have any more reef fish, and then it's just going to be a ripple effect, and everyone that's spearfishing in the reefs are going to start moving out and going bottom fishing, and then it's going to go be just pelagic fishing, and then we're just going to be over-fished, period.

I just believe strongly about something needs to be done. I am going to have kids one day, and I hope they have kids, and I plan on living on Guam for the rest of my life and for the rest, and if they don't want to live here that's fine, but I want to teach them how to fish. Right now, you can't teach a kid how to fish here, there's no fish to catch.

You go to New Zealand or another island where there's fish everywhere, you can take a kid and take them in the water. I'm trying to start a girls spearfishing team, and a lot of girls don't even want to come out, because they can't catch a fish, and that's really sad, because I had the best childhood in the world growing up, being able to go out and catch my own fish and being able to share with my family and my friends.

I've never sold my fish commercially, partly because I'm not good enough, but we need to be more conscious about what we're doing, and I'm sorry to the people that think it's going to affect their businesses and stuff, but this is going to affect our whole island if we don't do something. So, if closing one business is going to change this, then so be it. I'm sorry to say, but if something isn't done, we aren't going to have any more reef fish, period. The last thing I just want to say is I think a lot of this, it boils down to enforcement. You can pass this law today or whenever you guys plan on passing it, but unless we have the enforcement to enforce it, it's not going to do anything, just like the preserves.

There's a lot of people that don't fish in the preserves, because we do respect that and we do see it changing, and it is changing, but people every day are still spear fishing and fishing in preserves, because of lack of enforcement. I'm not saying they're not doing their job, but it's hard to do your job when there's six of you for the whole island. I hope that we can all work together to try to help this out, because it really affects everybody in this room, whether you're for it or against it. If we don't do something, we're all going to not have fish, and that's the bottom line.

Education is key. I think we need to start teaching the younger kids this and showing them that if they don't do something in the future too and carry this on then they're not going to be able to fish either. There's a lot of kids here from UOG and the high schools and stuff that probably have never

even been in the water, but I am in the water almost every single day, if not spearfishing or fishing, swimming, and it's my life, and it's sad to see the decline in fish so rapidly and that decline also affects everything else. It affects our reef sort of—it's a chain of life.

If we get rid of our reef fish, not a lot of people realize how much that'll impact everything. Our ecosystem you know. So again, I appreciate you guys taking this seriously, because it has been nine years since the last time we had this and not very many people took it seriously, but now even the people that were against it are seeing that something is wrong, and I know everyone will at least agree with that in this room. Thank you.

Chairman Ridgell: Thank you. Ma'am, please introduce yourself first before you begin. Thank you.

Ms. Leilani Sablan, Diver: [Written testimony presented orally.]

Chairman Ridgell: Thank you.

Mr. Gabriel Jereza, Student: Good afternoon, Senators. My name is Gabriel Jereza, I'm a freshman at UOG. I know that there is a lot of research regarding this topic, but I decided to take a more elementary approach. Naturally, whenever we win something after working hard and trying our best, we feel good. Although as humans, the most intellectually advanced species on this earth, we create things... things that allow us to do tasks easily and at times with no effort. If we use these sort of things to get something, then eventually, the reward would lose its value and cause us to want more and eventually get more, effortlessly. Fishing with SCUBA is a prime example.

Since we're not able to breathe underwater in harvest for hours on end, any time of day, in deeper waters where fish take refuge from predators and at night when fish are most vulnerable. It becomes too easy to harvest, and because we are so advanced and use these things on such a delicate resource, reef fish, it creates an imbalance and fishing with SCUBA is an imbalance in nature. Also, it's not fair for the less fortunate fishermen who rely on this resource for food so, it becomes a competition in many ways, and because SCUBA fishing is so easy, it takes away the fun and value of fishing, and soon the activity will go extinct, because what we use is too advanced, but just like any other activity, what makes it fun, fair, and last for the future are *rules* which is why we believe this bill is crucial for the average fisherman and for Guam. It's not against fishermen or fishing; it's simply against unsustainability, and this island needs its sustainability, that's all thank you.

Chairman Ridgell: Thank you. All right, before I call up the next panel, I'd like to thank you all for testifying, of course, and also recognize all my colleagues who stayed with us. So, now I didn't really recognize everyone when we came back from the recess, but just again to thank Senators Therese Terlaje, Telo Taitague, Régine Biscoe Lee, and Sabina Perez. Thank you all for your testimony, and I'd like to call it the next panel.

Now on the next panel, Mr. Manny Duenas, I called you earlier, but I'm not sure if you heard, you might have been outside. I want to make sure you have the opportunity, as well as. Let's see... Rachael Jordan, Robert—I apologize, I can't read this—Lee Burgos, Michael Orr, Peter Hour... there's a Robert Hildreth, Felix Sasamoto, Cameron Valerio, Kennedy Tatum, Daeline Pangelinan, Andre Acfalle, Ashley Flores. Any of those other names I called here – if not, I will proceed.

Kyle Dahilig, Natasha Perez, Alecsandrew Czar, Kristopher Conlu, Franklin Camacho, Sydney Prudente, Xavier De Guzman, Michael Guererro, Pei Valerio, Jake Cabrera, Lucia Atienza. All right now if none of those if anyone else would, oh wait I do have another paper here excuse me. Jonita Kerr, Vincent Laguana, Ashley Castro, Farron Tajeron, Vangie Lujan, Ronald Laguana. Alright, and we'll begin on the left with Mr. Duenas. Yes, please begin by introducing yourself, thank you.

Mr. Manuel P. Duenas, II – Fishermens Co-Op: Thank you, Mr. Chairman. I must request that I speak last, that's why I thought I was at the end of the list. I want to hear what everyone has to say.

Chairman Ridgell: Sure.

Mr. Duenas: I'm digesting all this information, thank you.

Ms. Rachel Jordan, Safety Diver – Women's Team: No problem, Uncle Manny, I got it. Håfa adai, Senators and the people of Guam. My name is Rachel Jordan. I am the oldest daughter of Patrick Atherton, and I am also the Safety Diver for many of the women in this room who are free diving spear-fisherwomen.

[Written testimony presented orally.]

Chairman Ridgell: Thank you. Mr. Dahilig.

Mr. Kyle Dahilig, Student – UOG Green Army: Håfa Adai, i na'ån-hu si Kyle Dahilig. I dream of a future with clean air, water and soil. I know that to prepare for a future with clean air, water and soil, we need to be guided by three principles: education, mitigation, and adaptation. I agree with the intent of Bill 53-35 to protect our marine life and repair our marine ecosystem, but we won't get to a future with healthy marine life if we do not have effective education at the business, school, and community levels. Every business, school, and community member should be reminded of our precious waters and endangered fish such as permanent signs at preserves, information in our textbooks, or by word of mouth.

At the same time, we must mitigate the amount of fish that is taken away from our waters, regulate the type of fish, the size of these fish, and the season of catch. I learned about SCUBA spearfishing in my biology class, and my professor brought up an excellent idea. If you regulate the size of the fish that gets into the fish co-op and markets to a specific size, nothing too small and nothing too big, then the smaller fish would be able to thrive, and the bigger fish would procreate more. If you

have an officer who checks out these markets and co-ops and finds illegal catches, then they could be fined, and the business would turn down those who bring in fish that don't meet certain requirements. That would help with enforcement. Yes, pass the bill, but we can go a step further to regulate the markets. If there is no market value for the fish at a certain size, no one would kill for it. This bill is common sense, and I challenge you all to continue towards a more sustainable future. Un dangkolo na si Yu'os ma'ase', maraming salamat po, and kinisou.

Chairman Ridgell: Thank you.

Mr. Michael Genereux, Fisherman: Hello, Senators. My name is Michael Genereux, I have represented Guam a couple times now for Micro Games spearfishing and been all around the world, seeing everyone else's ecosystem and frankly is very jealous of what other countries have and the laws in place to protect those and seen firsthand how they work.

No one ever wants new regulations and new laws and everyone's always going to push back, but without them, we are not going to have fiestas with fish on the tables. Rarely do you have kids that want to do the same stuff that you do, and when you find something that you do together, for me it's fishing, you want to protect that. Take them out, and not be able to find fish? I've done my fair share of tank diving at night, and I have seen the damage, and I can testify all day long, that it's very easy.

I've caught countless atuhongs at night and only caught one during the day. As far as tank diving, I got nothing against all the guys that do it. I just think diving at night is unfair. I like catching lobsters at night, but if we had a moratorium on no night diving at all, eventually you'll catch them during the day. New Zealand, they're just crawling all over the rocks. I just don't want to be the last country to have any type of regulation. It's the wild, wild west out here. People come from the other places, they say, "Hey, what kind of permit do I need, or what can I not shoot?"

"You can't spear lobster," that's all you tell them. It's about the only rule that we enforce here. There's just too many of us on this island. Our reefs drop off too fast. There's no outer islands that are harder to get to. There are some banks, but it's very easily wiped out. You get four guys on a boat at night, you can go down the reef; you swim behind them; you're not going to find anything. You do have responsible guys that pick and choose, but then you have a lot of people that just shoot everything. A parrotfish during the day, you shoot one in a school, you'll get one out of twenty. The rest, I see you might get a week later or something. At night, they sleep in schools, it's like a Christmas tree—one, two, three, four, you fill up your bag with parrotfish, that school's gone. It's not sustainable whatsoever so, please... I thank you guys for bringing this up again before it's too late. That's all I got, thank you.

Chairman Ridgell: Thank you.

Mr. Farron Taijeron, SCUBA and Free Diving Instructor: Håfa adai, I'm Farron Taijeron, I am a SCUBA instructor, free diving instructor, general water enthusiast and just someone who

cares about our environment. On the note of livelihoods, we hear a lot about livelihoods with fishing, and I can also say what about *my* livelihood?

People come here to see our reefs, our fish and marine life, and we're severely lacking compared to a lot of places. In my career and in my personal life, I've been to the P.I., Thailand, Australia, Palau, Saipan, Chuuk, other places. Though it is in my nature to show off, that's not why I am saying that; I am just saying that because in a lot of areas of these places, compared to our entire island, or even compared to the best areas on our islands to dive or to fish, there is far more abundance in some areas of these other places than compared to here. Story: I was in Yap a couple months ago. We went on the boat, first place we dropped in the water, there's this monstrous school of atuhong. I don't know if you have seen them, but they are not very nice-looking fish. They're almost intimidating. It's almost this gang of fish is coming at me, and I'm like. "Whoa, that's kind of scary."

Tanggison. One time I was in Australia, I was with my wife, and we were SCUBA diving just for fun. There was this one tanggison that was following us for ten to fifteen minutes. It's like a stray dog. It's kind of annoying. "Okay, leave us alone." That wouldn't last one day here. Back here at home in Guam, I have not seen one single atuhong. Not one. I have maybe seen less than ten properly mature tanggison. That's not just me. Creel data until 2006 shows that a hundred percent of atuhong is caught by SCUBA spearfishing, and 85% of tanggison caught by SCUBA spearfishing. Alright, there's been talk about how the fish are smarter than us, or they're better than us in their own environment, and that's true.

I think about this time and a lifetime ago at my ex-girlfriend's house. We didn't have aircon, so we just left the windows open. I woke up one day with 70 mosquito bites, I counted all the bites. My point in bringing that up is at night, we're vulnerable. Fish are vulnerable too. I have heard a story of a fisherman teaching his wife how to catch hãgon barehanded, just catching the fish when they're sleeping at night. That might be an idea to explore a ban or a moratorium on nighttime fishing as others have stated. I look around this room; many of us know each other. Including some of us senators, I am sure to everyone's dismay, one day I'm going to have kids. As terrifying as the idea of my offspring is going to be, no matter what kind of little monsters they are, I'm sure we can all agree we want them to be able to see the reef fish that is supposed to be abundant here.

That's just a symptom of a much bigger problem, and that's our population. I'm not suggesting any kind of population control. I'm not Catholic, but that would go in the face of the Catholic Church here. The Archdiocese is just across the street. Other symptoms of that, we have a lot of other impacts. We have other irresponsible human caused behavior with erosion caused by off-roading or by fire.

If you don't know, 100% of fires on island are caused by people. We don't have natural fires. We have sedimentation that goes out onto the reef, and it kills the coral. That's the fish's habitat. That's the reef fish's habitat. If we don't have that coral? We don't have that reef fish to sustain. I'll be the first to mention that we're not just trying to point the finger entirely at SCUBA fishermen or even fishermen in general. It's not all their fault. There's a lot of impacts that's going around, but

where we can make a difference, we should. We should just take it one step at a time or multiple steps at a time, and this is just one step. I hope we continue onward and take more steps to alleviate the problem. It's the least we can do for my future little monsters. Other ideas we should explore, regulating catch size limits. In other places I've lived and traveled, they have catch size minimums to give the fish a chance to get big enough to reproduce. They have catch size maximums.

Sorry, Ms. Tatreau, I can't remember if a fish that's twice as big as another produces ten times as many eggs, a hundred, or a thousand times more eggs? Want to just shout at me? A hundred? Okay. If one fish is twice as big as another, it makes 100 times more eggs. Female, of course. Instead of just doing it across the board, maybe we could explore the idea as others have said, doing catch size restrictions, both minimum and maximum, on commercially sold fish. If anybody is going to sell their fish to a shop and that shop is going to sell it, they're not going to buy fish if it's not within that range, and they're not going to sell it if it's not within that range.

What I would completely advocate for is funding our Cos—our conservation officers—to proper manning and getting as close to that as we can, as fast as we can, and getting them to be maximum efficiency. I think we heard Chelsa say seven COs for this entire island of 160-some thousand people. Trying to schedule that? We got to recognize you guys have lives, too. Some guys in the daytime, some guys at night. The ones not on shift, they go to sleep for their shift. The ones who are off shift are probably at their père's house, and they're having a few drinks. They can't respond to something. They got to have lives, too. I would like to end on the indigenous note.

Any restriction I have a hesitance to follow, because that's our indigenous rights. Then I realized, literally every island and every coastal village or town or city has indigenous people, and that's their indigenous right, but they found a way in this modern world to incorporate that or to act even sometimes in spite of the indigenous rights, because the world is changing so, we have to change with it. We are not special. That's our indigenous right? Everybody has indigenous rights. We just need to figure out how to make our resources sustained for my future little monsters. Though it is an indigenous right, the other side of that is missing, and that's the indigenous control. We don't have traditional methods of control anymore, we don't have chiefs to say where not to fish, when not to fish, what not to fish, and what sizes not to fish, etc. We don't have that, the other crucially important aspect of that.

We used to fish turtles, and before it was regulated by a chief. It was only for special occasions. It's not just *you can go get a turtle anytime you want*. It's broadly speaking about everything. We had a traditional control for our traditional rights. Now, we are lacking those traditional and indigenous controls, so we need something to get us into shape.

On a more boring note, I think we should include some language in the bill or in the final law to make it unlawful to possess a speared fish on a vessel or vehicle with fishing devices and SCUBA gear at the same time just so it's more easily enforceable and practically enforceable. Thank you.

Chairman Ridgell: Thank you.

Mr. Vincent Laguana: Håfa Adai, guåhu si Vince Laguana. [Written testimony presented orally.]

Chairman Ridgell: Thank you. Mr. Laguana.

Mr. Ronald T. Laguana, Fisherman: Håfa adai, Mañe'lu-hu yan Mañaina-hu. It has been over eight years or nine, and I wonder why that when Manny is the last to testify, it seems it is the absolute word so I ask that he testify and I be the last. Because those nine years we've been battling this for years, and it seems that when we testify first, and he testifies last, this bill never goes through. Pues I ask you, Mr. Senator, Manny, hågu, sa' hågu mamfitma fine'ne'na kinu guåhu. I ask that he testify, and I want to hear what he has to say.

Chairman Ridgell: Mr. Duenas would you be willing to testify first?

Mr. Manny Duenas: I humbly requested to be last, but since you're the chairman, Mr. Chairman, I don't tell you what to do in your store.

Chairman Ridgell: Okay so then this is how I will handle it. I will look in the order of who signed up, and whoever signed up first will speak first.

Mr. Duenas: That's all right, Mr. Chairman, don't have to look—I'll testify.

Chairman Ridgell: Thank you.

Mr. Duenas: Thank you. I just didn't want them to wait all day after I'm finished talking, because you guys will have to have breakfast over here. First of all, my name is Manuel P. Duenas, II. I am Chamorro. The fishermen I am talking about today are Chamorros. Traditional practices that have been long professed by the people here are very different from what I remember when I was a little kid, because the only equipment I recall the old people having was a hand spear and a torch. They were lucky if we had a flashlight and wrapped inner tube around it. There was nobody going over the reef. Nobody had a spear gun that was an invention brought to Guam. My uncle John Cruz from Inajaran walked the reef barefooted, and he would trade you a sack of lobster for a case of SPAM to feed his family, because he didn't have a job. He was a fisherman, and that is the way it was many years ago.

So, I keep hearing this word tradition, tradition, tradition. The only word I understand with tradition for 4,000 years is that we feed our people. That's what we do with the fish. Not just our families. Not just our friends. Not for the barbeque. It is for Tan Maria and Tun Jose and all those people in Yigo and Dededo who are bedridden at home that want to eat some reef fish. All my years, 25 years with the Guam Fishermen's Co-Op and the many years before that, fishing. I've spent 15 years underwater. And I watched Pat Atherton, and I watch—there's other people in this room. They can kill ten times more than the SCUBA divers. They have, and I won't say their name. I've seen their catch, actually they're the ones that turn me on to spear fishing, but you know what? My father always told me and that's one thing those people don't understand because the

guys I know that scuba dive. They were born and raised by a Chamorro family and they were told by their fathers and mothers don't be greedy, and second, you have to share.

Back then, my family was from Inajaran. When my dad needed his jeep fixed, he gave a pig to the mechanic. When the atulai came in, and Mr. Topasna came up from Umatac to catch the fish in Inarajan, we treated Mr. Topasna like a king, but he gave everybody, everybody had fish. When these guys go fishing, who gets their fish? Their family and friends not the neighbors, not Tan Maria and Tun Jose. That's who I'm looking at, you Senators, when you want to ban something. Senators, I want to give you just two examples of why they ban things. One, in American Samoa, I've been a fishery manager for 20 years, been running the Co-Op for 25 years. Everywhere I go, I try to find out how things are.

I went to American Samoa, and they said they banned SCUBA. I said, "Great," and they showed me the scale where it went back up. I said, "Wow, you guys. Where's your SCUBA tank area? I want to try diving here, because I'm a certified diver."

"Oh, we don't have one."

"How did you get SCUBA divers?"

They have a boat that comes from one of the other islands, that comes in on a daily basis. They bring in the SCUBA tank, and you know who they were? Outer island people. So, they had to ban it, because nobody in Samoa actually went SCUBA diving—American Samoa, I'm talking about. And this island supplies the state of Hawai'i. That one's a heavy commercial fishing.

The other thing is CNMI... you guys brag about it—"oh, they banned it." Back in the day, and Richard Benavente, God rest his soul, explained to me this very thoroughly. He goes, "Manny, the reason why we banned it, people were diving, but they were dying," because they were bringing H2 workers in, and they were using the hookah system which is a compressor on the boat, a tube going down on the mask, and they were shooting fish for eight hours in depths unbelievable. So, they were getting the bends, and they were dying. So, in order to prevent them from—they wanted—they banned hookah—that type of fishing. So, in order not to make them go any further, they banned SCUBA.

Lo and behold, they banned SCUBA, then Felix Sasamoto from CNMI—one of the best divers they have, went down and shot a tanggison at 80-90 feet, and he was lambasted. A free diver. So, when is the end of conservation going to end? On this issue of big fish—I actually went to the east side after I got certified, everything. We checked out there. Yes, it was mentioned earlier about where the big fish are. I found golf balls from the golf course—that was a house for the atuhong. As far as they said, "no more big fish" after a certain date... I'm going to tell you a fact—the only organization or entity that ever tested for Ciguatera on Guam was the Fishermens Co-Op. and in 2008, they stopped making it.

I told the fishermen, “We’re not—” I’m going to tell you a true story, and maybe George Lai is listening. Mama Shirley from Shirley’s Coffee Shop was my regular customer. She liked Gádao, and she liked tanggison, and she liked anything exotic. She’ll come in every week. I didn’t see her for over a month. I said, “Mama Shirley? What happened to you? You went off-island?”

She goes, “No. I got sick.”

I said, “What? You had a heart attack?” I was real worried about it, because she’s kind of old already. She goes, “No. I bought a tanggison from a fisherman, and I got Ciguatera.”

So, after that, I couldn’t sell her even her favorite Gádao, because I didn’t want to kill the poor lady. After that, we quit buying fish. atuhong, I never cared for—our customers never cared for it. I like this thing about the Co-Op being mentioned and all the fish market will shut down—it won’t, because when I took over the Co-Op 25 years ago, we were selling 70-80% reef fish, that’s including bottom fish. Now, because we developed recipes for mahi to barbecue and make it taste as good as Lâgua, and it’s a lot cheaper. We developed—you know what? Pay-less didn’t invent those recipes you see in their booklet. We created those at the Co-Op, because we wanted to change the eating habits of the people. I thought we could be applauded for that, but no, we get chastised for that. Now, we’re selling less than 30%--out of that 30% of reef fish and bottom fish, 80% comes from free divers, even a 16-year-old.

When it comes to conservation, I’m the biggest A-Hole around. Tom Kim who’s one of my prize members can kill 3,000 bottom fish, but I’ll yell at him when he walks in the door. What are you trying to do? Finish the resource? Are you stupid? You ask any of the fishermen that sells to the Co-Op. I’ll yell at them. You know why? The last 20 years of my life, I’ve dedicated to not having regulations. I heard this place is being a wild frontier. The only thing that made it a wild frontier is we allow those 12 Yamaha boats to go run amuck.

I asked many years ago if we can just do a simple legislation, and I think everybody will be happy. Only U.S. Citizens can fish in our waters. You know those islands that they come from and all the other islands surrounding us that everybody’s bragging about? They get an average of \$5 million dollars a year from the United States government to allow perse-seiners to fish in their waters. That’s from the U.S.--\$70 million a year. And then they bring their boats that were donated by the country of Japan to my island and wipe out marine sources, and I have to deal with my poor guys being punished, as being evil? That’s all I heard today. They read a magazine—they read a book. Why don’t you read *life*? That’s why I wanted to be last, Ron.

Because I am frustrated. I am sick—I am dying. And all these people in this room are happy when I die, because I won’t be here to testify anymore.

But I am frustrated, because I see what they catch. Each document... you know what’s really funny? Over ten years ago, a top scientist from Hawaii at a meeting said, “You know how our onaga is produced? Only at summertime, and they have to be seven pounds or greater.” Okay... I said, “I just cleaned our onaga in December, and it had eggs, and it was less than two pounds.”

“Oh, I don’t believe you.” So, we started doing bio sampling for the last ten years. We take every fish, we weigh it, we measure it, and guess what? We even take the otoliths out of the brain which is like a tree ring, and we sent it to be studied. And guess the little secret that nobody knows about? Our fish grow twice as fast as the Great Barrier Reef. But none of these guys teach it in the classroom.

They teach propaganda in the classroom. I was an educator for almost 20 years. I always showed two sides of the story. But I get only one side from this legislature. I am frustrated.

Thank God I’m going to die soon. So, you can have this world where Tan Maria and Tun Jose will never eat fresh fish again. They’ll have to go buy it at the market from the Philippines, China, Taiwan... is that what you want? I mean, I hate to say it, I ate Basa for the first time in my life, which is catfish from the Mekong Delta where we had in Vietnam, where we dumped—you thought we dumped a lot of crap on Guam? Robert? Robert doesn’t know, but in 1962, the radiation on the west side of our island peaked 10,000 times in 1962. Where was all the detonation of nuclear explosion? On the east side.

How do you get double-reef peaking that high—spiking in 1962? Because they must have blown up a nuclear bomb on the west side. I can go on—like I said, I am not—I don’t depend on little pieces of paper for me to understand. I have to observe. I’ve heard the citation—“Oh, Doctor So-and-So... Doctor—” really? How long did they spend on Guam?

I’ve spent the last 25 years working, dealing, suffering when the fishermen are missing. My nephew was eaten by a tiger shark, and this legislature passed a law that all sharks have to be protected. They only found his right leg. A tourist was down in Assan, no arms—no legs, but let’s hug the shark. My fishermen are suffering right now, because for every fish they land, there’s a shark behind it. But you guys don’t come to me, nai, to find out, “Hey, Manny, what’s the pulse? What does it feel like?”

But back to the original point, and I haven’t even started my testimony, that’s why I asked to be last so I can bore the crap out of you people. “Save the fish for future generations.” You know when a person comes in the Co-Op—young people? “Hey, you’ve got the blue fish? Hey, you’ve got the one with the horn?”

When you get Tan Maria... “Ai, Boy, kao guaha Tataga’? Kao guaha Lågguan Diso’? Kao guaha Gualåfi? Pat guaha Hugupao? You know, the last bastion for the CHamoru words is in that ocean? And I’m very proud of the fact that when they walk in, I don’t say, “Lapu-Lapu.”

“Ai, Boy, guaha Lapu-Lapu?”

“Ah, tåya!, lao guaha Gåddao.”

I mean even Agriculture—I got mad at Brent Tibbits, because he made a beautiful fish poster, all in CHamoru, then they had Lågguan Amariyu... ilek-hu, “Brent, *amariyu* is Spanish.”

“Oh, that’s what the CHamoru translator told me.”

“Lågguan Amariyu, really? That’s Gualåfi.” Now that I mention Gualåfi... I love these people, they all say, “Oh, the fish are sleeping at night.” Seriously? That shows me they don’t have the *cojones* to fish at night. I’ve dove at least 500 dives at night, maybe about 20 in the day, and I see bigger fish in the day than at night. Okay? But let me tell you something... the Gualåfi leans against the coral. The brown, they swim together in small groups, and they stay under a ledge, and once you shoot one—BROO! That’s all you hear: BROO!

The blue... yes, they find a hole or even that’s yellow, blue—where’s what’s his name? He’s my biologist. They park themselves in a rock. The Tataga’—they don’t park anywhere, they’re swimming around. The Mamulan, they’re swimming around. And no more big fish? I don’t know if you saw the video that went viral—we’ve got to ban gas now. They caught a 41-pound Mamulan in the Agana Marina. And people are tell—“Oh, tâya’—no more big fish.” I’ve dove a lot—I’ve fished a lot. The fish are not going to park themselves—

“Oh, is Manet Duenas going to come today? I’m going to wait for him to come and show up. I’m over here.” They’ll be there today, they’ll be gone next week. Talk to me about fishing—I’ve done it all, probably. Even the scientists, when they took the bottom fisherman guys up to Rota banks and they let them bottom fish... they couldn’t catch anything. They were using the best bait in the world, but when NOAA scientists sent the camera down, six hundred feet, the fish were all going [gestures], “I’m here, but I’m not hungry; I’m not going to bite your hook.” Åmbre... back to the point again, I’m CHamoru. I was raised to be conservative. I could see ten wild pigs, my dad would say, “That’s the one you shoot,” and so I carry that in the water, and every SCUBA diver in this room that I know, because I don’t know who these guys hang around with, are the same, because we were born, bred, and educated by our parents not to be greedy, and the portrayal, like on the shark, ‘Oh, we don’t want you people to be finning sharks,’ that was the portrayal of our fishermen. Now, I get a portrayal of the fishermen being greedy guys, because they’re using SCUBA tanks. I’m going to look at you in this room, all of you—the next person that drowns from free diving, you go to their funeral, because none of these guys have ever died from SCUBA diving. When there’s a car accident because a car is going 60 miles an hour, if you reduce the limit, tell them wear a seatbelt, or you create regulations to control it, but why do we have to go to the extreme of banning it?

If the Mosquito Fleet is the problem, again, I want to go back to the fact: the United States government is paying our U.S. boats to access Palau, Chuuk, Pohnpei, Kosrae, Marshall Islands, as much as \$70 million dollars a year—we don’t get a dime of that. So, when they send their people out here, under the so-called Compact Impact, then as far as I’m concerned, you pay us. I just want to perpetuate the fact that we are an island that feeds our people. Many of you don’t know, and I wish Judy Amesbury were here... we had 70,000 people living in our island 2,000 years ago. We had over 300 villages 2,000 years ago. We didn’t have cows, pigs, chickens, birds in the sense that

we could—you know, pigeons—that we can pluck. Though we had birds, we ate them. On the land to sustain us. We depended wholly on the ocean. The thing we're doing now is we're killing our ocean. Somebody—the National Geographic lady—she's here doing a video. She said to me, "Global warming—" I said, "There's no global warming in a sense that we're polluting the world with the cars." I said, "We're putting concrete everywhere. We're putting concrete everywhere"

There's a study by the Fish and Wildlife Service, Assan... the old Camp Assan area... up to 30 dump trucks of sedimentation a year goes in that ocean. Agana Boat Basin... I have charter boats that ask me, "Manny, can we park at the Fuel Dock," because they cannot transverse anymore. The water is only three-feet-deep, and it used to be eight feet. Outside the Boat Basin, ask Johnny Atulai—he's probably drunk by now. He'll tell you—his \$5,000 net that he bought in the P.I. that he brags about is supposed to be 20-feet-deep. He has to fold it in half, because it's only ten feet.

Addressing the SCUBA is like worrying about a little, little, little blackhead on your nose. It doesn't get rid of the acne so, as far as I'm concerned nai my dearest Chairman and the introducer of this legislation, all you did was create friction. I tell them I love them, but I really don't appreciate the fact that they put more stress on my life that I'm worried about these guys surviving, and they don't know the gospel truth of anything. They all have jobs. That's their job to promote banning this and banning that. I'll tell you a true story—another true story.

The Pacific remote island areas, those areas that belongs to the United States—not inhabited—are now full-fledged monument. The island or Palmyra, and I'm saying this publicly, belongs to the Nature Conservancy, a major international conservation group. When CNMI was going to be declared a monument, their last three islands, at the same time we had the Marianas Trench monument, I wanted our CHamoru people to go up to those three islands and still catch fish, because in Hawaii, when they created their monument, guess what? The Hawaiians, they can get in their canoe, go up to the northwest Hawaiian islands, and they catch all the fish they want, but they cannot bring it home. Is that part of our culture? We don't share? No. so, I didn't want the same thing to happen to the CHamorus and the Carolinians in the Northern Marianas. I was chairman at that time of the Council. I told the legal counsel, we're not going to allow you guys to fish in Palmyra. They're so scared of the conservation group. They said, "Okay, Manny, we'll let you guys fish in the Northern Marianas." Okay?

I'm sorry, Mr. Chairman, I'm taking so much time. Like I've said, I haven't looked at my notes yet. This is all from this stupid little brain of mine. But at the end of the day, I just wish our fishermen could get along and address the issue on the table. The issue is those 12 boats. That's the issue on the table. And I wish you would take this legislation back and actually develop a program, because I don't believe in hurting anybody.

Oh, I'll tell you another quick story. I hope you guys got time. When the northwest Hawaiian islands were going to be shut down to be a monument, no fishing allowed, there were only eight Hawaiian boats fishing out there. And one of the eight was owned by a native Hawaiian guy, and his son came to our public hearing just like this, and he cried in front of me, and I really wanted to kill the federal government on that day, because he begged—he goes, "I wanted to get the boat

from my father, and I wanted to take over his operation. I wanted to continue our legacy,” because he’d be the third generation to go bottom fishing.

You know, we talk about advanced technology. The Japanese can be advanced; they can use monofilament net; they can use graphite spear guns, we can use fins that are a mile long, we can use masks that have glasses in them so you can have better vision, but when a fisherman goes and puts on a SCUBA tank and is selective—and I can show you our catch records—he doesn’t only kill the Låggua, he doesn’t only kill the Tataga’, he kills the Såksak, kills Hugupao, he kills those other fish; whereas, I know a person in this room who can kill 200 pounds of parrot in one day.

Like I’ve said, don’t talk shit, because I know the shit. Like I’ve said, now, can I start? I know Mr. Laguana wants me to go first. Mr. Chairman?

I’m back to saving the fish for the future generation. What generation you talking about? Let Tan Maria die in peace. I feel bad, Mrs. Perez, she keeps calling me. “Boy! When they’re going to pass the law so we can eat the octopus again?” Octopus: a creature that lives two years; you guys passed a law prohibiting it. Too much brain power for me. I’d like to thank Ted Nelson. He said we’re going to fight. I said, “Primu, I don’t think so. I think we’re on the same page,” because he did mention... he goes, “Those people fishing on the east side.”

I just wish Agriculture will understand, because they’re concerned about the environment, and these people are so concerned about the environment, that they use Pågo Bay as their main offshoot to access the east side. Now, if you think of the conservation—I mean, the ecological damage that’s occurring in Pågo Bay, I think all these Greenies can go over there and say, “Hey, let’s protest,” so, they won’t have access. If you block the road nai, the cars cannot go in. But no, they only think of SCUBA—SCUBA is the problem. But I hate to say it, you can ask one of the dive shops—the spear company, they bring in people every three to six months to run those little Yamaha boats. So, you’re not getting rid of the problem. Actually, you’re making it better for them, because instead of \$2.50 a pound, they’re going to get \$4, because nobody else can do it.

I’m too smart. They have a Bejerano report. Sonia Bejerano. She spent over a month here, in Guam, and throughout Micronesia. She went around, and when she came back to Guam and she finished her report, she presented to the fishermen. You know what really freaked her out? Every island she went to, average fish was three to four inches. Because they’re all lagoon fish. Only in Guam do we have fishermen that go over the reef. That’s why our fish our big.

And contrary to popular belief, I even confirmed it with some top scientists—big fish – though they produce a lot of eggs – I think if you’re a fisherman, you ever see them swimming real tight. They’re not swimming together. They are far apart. They don’t know how to copulate, is that the word? They don’t know how to have sex. So, one drops the egg; one drops the sperm. If the current goes the wrong way, those billion eggs that supposedly are so great don’t get fertilized; whereas, on the smaller fish – which I know produce eggs even though they’re babies. Because they say little girls can get pregnant. Our fish get pregnant real fast. They swim in unison. Those that been in the water. You ever watch those life movies on TV, all the fish are swimming. Hundreds of

them. They produce more fish than those big ones. I just want to share that with you. So that's Bejerano's report. Guam, our fish that were caught ten times bigger.

Tupper report. The preserves. That was created over 20 years ago. When I was here, the testimony, I was the only one here, and there were seven scientists to my right. They told me they wanted to protect the coral reef species. I bet you if I ask these students what's a CREMUS and BMUS they won't know what's a CREMUS and a BMUS. A CREMUS is a coral reef management species. And that species is anything within the coral system. The scientists told me 30 feet is what they wanted to protect. Well, I said, "I'll give them 60 feet." They said, "Okay, we would like that." When at the end of the thing, the law became 600 feet – from 60 to 600 feet – it is not coral reef, anymore. It's what they call the BMUS group, and you only catch the bottom fish.

We're unique on the island of Guam. We're better than Hawaii and a lot of times we're better than CNMI and a lot of times we're better than American Samoa. We have more species on Guam. We have more variety of species, and we fish different ways. Hawaii, you have reef fish and then you have deep bottom fish. On Guam, we have reef fish, mid-water fish, and then deep bottom fish. Thank you.

Next one is the—the Tupper Report says of the five species he studied, three came in to the preserves, only two left. So, the preserves don't really work, but I don't care.

The NIOSH report said that since the preserves were created, more than 15, I believe, they counted CHamoru fishermen, free divers died. The thing you don't understand about where these preserves are is like when I grew up fishing. You just don't teach anybody. You don't jump over the reef in Talofofu or Agat. You start it in Tomhom. Tomhom is your Kichu, Seyon killing ground. You practice there, because the water's only four to five feet deep. Once you get expert at catching the Kichu which is not a major species of concern, then you move down to Piti Bomb Hole. That's about 35 feet deep. Then you get the cojones to go over the reef or you just stay inside.

Can I share bit of historical information with you guys? Prior to 1961 or 62, Tumon was a swamp. That's why I love it when these people, "Oh, we got to protect the coral in Tumon." Tumon was a mangrove forest. In 1962, a guy named Peter Wilson – haole guy working for the State Department came to Micronesia for fisheries development. He got the explosive ordinance people to blow that channel at Tumon. You see that channel in Tumon? That little island there? That was manmade. He told when he blew it up, the water went [sound effect]. All the swamp water went out the way hightide came in. That's one thing you should do. Build a statue for him. Because you're a billion-dollar industry, sitting on something *he* created. His name is Peter Wilson.

Those are the things in life nai, you ask me, I'll answer you. I have no reason to lie. That's why I tell people I'm not married, because I don't want to start lying. I'm just letting you know about that one.

A size frequency, we have ten years of data that you want to look at, which is much more real than the survey that the Department of Agriculture does, because if you're going to look at visiting the

marina four times a month, even though it's Condition One, as being data, you got a problem, here. MPAs, its value, I already talked about. We talked about ten years of bio-sampling, I mentioned that. I can give you that information. Catch: 80% are free divers; 20% SCUBA, what I'm receiving. Actually, less now. I'm trying to move it along, because I talk too much.

Before I make my recommendation, can we do a few things? On the federal side... in early 2000s, Joe Hobson and Kenny Pier, some of you people remember who they are. They were the major mahi producers on this island. I went down to the – they were complaining the port fish was coming out and they were selling to all the markets on Guam at 50 cents a pound, and they were barely able to sell their fish. I went down there like a madman. That time I had Governor Gutierrez on my back. He has my back. Not my lower back but my upper back. So, I went down there acting like a big man, and I called five of the biggest companies and I said, “Hey, you got to stop this [expletive]. You're not dropping off anymore mahi. You're hurting the fishermen.” Mind you, those two guys were not members of the co-op. They, for me, do destructive fishing, too. In my terms. They go to the buoy and hang out there all day. But that's fine. That's their livelihood. So, I went down there, and I negotiated and worked it out. Not this legislature. Not the governor's office. I went down there to protect the fishermen that didn't like me. Just like tonight.

When they were going to create the whole southern sea mount as an MPA, I fought it. Galvez, white tuna, Santa Rosa. All that's supposed to be a federal preserve. I fought that. So, when I get chastised, here, come on, show me. You know the thing I hate about this whole thing—this whole exercise, is the lack of respect. When I talk about fishermen that are heavily fishing an area – I call them rakers – I heard the word “rapist” a couple of times. It's like comparing Hitler. No, you don't do that. They just don't know any better. They're stupid.

Federal registry. Every saltwater fishermen in this room is supposed to pay the federal government \$38 a year. Guess who's the idiot that went to Washington and said, “No, people of Guam should not do that!” Not this legislature. I went and fought for you guys, fishermen. So now we're exempted. But you know what's funny? We had to go the second round of exemption because the first round, the governor's office didn't send a letter. So, I was harassed. Coast Guard fishing requirement. Commercial fishing requirements. There's a lot of them in this room. The Coast Guard requires you to have \$6,000 worth of equipment on your little 20-foot boat... \$6,000. Congressman Underwood when he was Congressman, we met at the Lighthouse restaurant with the commander of the Coast Guard, and we negotiated an equivalency that didn't require all that stuff. Up to now, it's still being honored by the Coast Guard. The law let's ban this, because you're no better than me. Let's hurt people. Let's hurt the people of Guam. Let them eat the gas fish or eat something else. Military firing range. You guys supported the military, now you're against it. I don't know. I'm confused, this legislature. Then you guys created this local shark law. My poor son over there, can't even catch fish anymore. They're biting the stupid lure. But no, let's hug the shark. Local MPAs, I don't know why we need this ban if they work so well, why do we need a ban? That means they're not working. So, open it up. I want to go fishing back to my icebox. I never sold a single fish, but Tomhom was always my refrigerator. I know where to get Seyon, I know where to get Kichu. When my parents or my grandparents were alive, they're the ones that ate my fish. But I had to go to different spots in that bay to find the different species for them.

Thank God they're gone. They'd probably get mad at me. Octopus law. I wish you guys would think about that.

Chairman Ridgell: Mr., Duenas, I understand you're trying to paint a full picture here with fishing, but if you could please hone it in and narrow do it down to the bill that we're discussing. Okay, thank you.

Mr. Duenas: I wish you would take this bill, and put it away, and work with me in developing a SCUBA-limited entry program. I still believe that SCUBA has a purpose. Just like that the drag race place up there has a purpose. And I believe in putting 20 permits, based on certification, based on historical certification, based on control date—which I believe should be 2010. So, anybody that was fishing before that, you can allow, and their descendants or whoever you want so long as there's a limit of 20. And they must report their catch and they can put a limit – annual catch limit – on them. And no landing of atuhong or tanggison. If that's a major species of concern, I haven't seen one in a long time. That's one thing.

And a U.S. Citizen. I think we as U.S. citizens and as CHamorus – could be protected under the title should be used. Catch reporting... Oh, you guys don't have a law against diving without certification. I think you guys should pass a law on that one. Now, the part that people may not like... permit for spearfishing. Free diving. Looking for a hundred participants. Now, you can work with the Marianas Underwater Fishing Federation and village mayors and see how many you're looking at average, could be maybe 200.

But the whole purpose here is to get these guys recorded. And also, you can do with the SCUBA, if you're selling it, you want a restriction for SCUBA is only for selling, not for non-commercial. I still want to go dive some day with my nine toes. I got to find a fin that fits that.

A hundred, two hundred participants, and the free divers can talk about it, based on historical catch, U.S. Citizen, natural born; I think it's a birthright citizenship. Catch reporting, and also the same control date, 2010. I figured that's far enough records that we can find. Also, it kind of works out for everybody else.

We need a boat ramp for the east side, and if there's an issue that other people are going to access the east side, again, like I said, close. I hope Agriculture can close Págo Bay, create a boat ramp on the east side. The early part of the year, there was a free diver that was almost lost. I'm glad he didn't drown. Fire Rescue had to drive around the island; it takes them eight hours. How would you like your son or daughter to be out there for eight hours floating in the water? Please. There is money available. The Department of Agriculture Sports Fish Fund, GEDA, the EDA, a whole bunch of places. As a matter of fact, GEDA has about \$280,000—they haven't spent on that boat ramp in Talo'fo'fo'.

Let's put that in, you can put a gate and it's only for fire rescue to go save people. These are the things I want you guys to address. Not this touchy-feel good, because it does nothing to advance any type of conservation. We need to control the ones that are heading the water. Exclusive use

of... the boat ramp. Allow for seasonal pelagic... also to go out that way. In other words, they can use that boat ramp but only for mahi season or the wahoo season. If they find any speared fish on the boat, then they can arrest them—take away their permit, whatever. I think I've done enough damage. Thank you very much.

Chairman Ridgell: Thank you. Now, just for the record, to be clear, Mr. Duenas did sign up prior to Mr. Laguana, and according to the sheet here, Mr. Laguana was the last person to sign up so, it is only fair that he go last. Mr. Laguana, you may proceed.

Mr. (Ronald) Laguana: Håfa adai, si Ronald Laguana yu', ya put i espesiâtmente na bai hu sângan este put i ocho na famagu'on i famagu'on-hu, si Dean, si Mani, si Eli, si Dakota, si Heidi, si Bo, si Liam, yan si Alex. Bai hu sângan este na tinstigu put para en komprende gi fino' Engletera.

My name is Ronald Tenorio Laguana, I am a bona fide farmer. I grow my own food, I'm a sustainable fisherman, and I catch my own food. Where did Manny go? He said—he says, let me tell you, I've got my time. Let me clarify this. He says at night that the tataga swims. Wrong. Wrong already. Where have you been fishing? Many, I haven't seen you throughout my 40 years of fishing career, Manny.

Chairman Ridgell: Mr.—

Mr. Laguana: Tâya' na hu li'e' hao gi i tasi.

Chairman Ridgell: Mr. Laguana, please, Sir—

Mr. Laguana: That's the bottom line, let me tell you.

Chairman Ridgell: Thank you—I understand, but—

Mr. Laguana: This is the truth.

Chairman Ridgell: Just for decorum purposes—

Mr. Laguana: I'm in the water almost every week.

Chairman Ridgell: Understood, Mr. Laguana.

Mr. Laguana: I've got my time.

Chairman Ridgell: Ladies and Gentlemen, please let's—

Mr. Laguana: Okay.

Chairman Ridgell: Let's keep decorum here—

Mr. Laguana: All right...

Chairman Ridgell: No more—

Mr. Laguana: But let me—

Chairman Ridgell: No more talking—

Mr. Laguana: Let me clarify...

Chairman Ridgell: —over each other, address your comments—

Mr. Laguana: I've been fishing—

Chairman Ridgell: To the table, thank you.

Mr. Laguana: ... but because the reality of a true fisherman will tell the real truth and the story. Manny has not been out in the water to see. The west side is wiped out; the east side is near wiped out. I have free dived up to today, and I've seen the damage. Let me clarify again, many who presented here have spoken, but you can tell they are not true fishermen.

The problem here, Mr. Senator and Senators, is SCUBA spear at night. I have no problem with SCUBA spear in the day. My friend, Luis, over there, he has his spots. You know why? Because the fish won't come up to you with those bubbles up like that. That's the reality. I'm going to mention names, because you don't have—let's be real. John Taitano was talking about pelagic of thousands of pounds of atulai—caught more than any of us. That's a seasonal fish—it's a pelagic fish. They come in occasionally. Reef fish are the ones that are being depleted. I have nothing against about pelagic—those are deep ocean fish. They're plentiful. But our reef fish are being tanked at five feet of water. Unbelievable on the east side.

And I mentioned this in my last testimonies. Those boats... we'll use the same term, "rape the reef." I don't fish in preserves, and I have many enemies. Enemies who do not care for the future of our marine resources of Guam. I just came back from Pohnpei. I took video of Chuuk Island—those atolls—beautiful. They don't allow it in their island, but why here? They come here, and rape it, and tell them—they tell us, "-F- you, Chamorros. We own Guam." Right from their boats—right in front of us in front of Ted Nelson's lamasa, right there, they were standing right there. Go out. Do your tanking in the deep. Free dive night spearfishing is limited. You can only go so deep, but when you go tank, unlimited. Sixty feet, sixty minutes is the maximum for your tank. If you can achieve that, control your breathing. I have my certification, SCUBA, now. So you can take this, Manny. If you want certification, take my certification since 1979. Look how I look in that. He talked about emotional? I'm tired of this. He must have been using the same notes from nine years ago.

The reality is that we—and I'm glad that Pat is here, Monique, Todd, and my fellow free divers are out here. We don't sell our fish—we're for sustainable purposes... to feed our families, Tan Maria eats my fish, and Tun Juan eats my fish, because I give it to them. But you know? It's the tank—you guys, admit it, åmbre, that the coolers—and it's not \$2.50 a pound—it's \$4.00 or \$4.50 a pound. We go up there, and we see all that... coolers of tataga—like that big—I mean, to catch a tataga that big, I mean... probably Todd is the only one that can do that. And a few of the boys, but I'm glad that they are here, because the battle has been going on for years. I don't have my testimony written; I've even brought the wrong booklet—I mean, binder. This is the indigenous one, but I have everybody's testimonies from the past nine years. This has gone through BJ—Senator BJ... this has gone through Rory—Rory held it. I become emotional, because I see the devastation. I don't dive deep. I go with the young ones. I have learned to dive in the shallow already, and I've finetuned my techniques and to allow enough for me to catch and come home to feed my families.

But there are no more places for us to fish, but we go to the most treacherous waters, and we just fine tune our skills. I chose not to tank for the purpose because I know the devastation that can do. Since 1978—I look like a Micronesian here. And I still have it. Both PADI, and Maui certified, but I don't use this. I prefer to use one breath, one shot, one kill, like the rest of the guys here. And it's right, Manny mentioned it, it's the company that's a fleet of divers that rape the reef on a 24-hour shift, I believe how they do it, from seven to midnight—there are four divers or five divers on one driver. They go out, they tank it, wipe it out in the shallows, come back in, empty out the tanks, put new tanks in, change the divers, go back out again.

That's about eight to ten boats, four divers to six divers per boat, that's 48 SCUBA divers using tank at night. At night, there is the one that you need to put in—SCUBA spearing at night. My notes indicate here, I've worked for Underwater World as an educator, as a presenter, and I talked about conservation, and I wanted to mention that, and I believe this does not affect the people who are harvesting aquarium fish. What this is for, for the SCUBA spear at night. The effects of that type of method—lai—it's a method of harvesting. They sleep at night, the tataga doesn't swim at night—they lean against there, when you flash the light, they lean against there. I grabbed the tataga by the head, and you can hold it like that if you're strong enough.

The hangon, you can just grab the hangon, but those things don't swim around. Låguas sit there. It's ruthless—ruthless—those are the terms... ruthless. Overharvesting. The bill right now is to—to amend to put “night”—SCUBA spear at *night*. And as for all these under the penalties of Section 63104, 5, 6, 7, 8... 116 and all of these other sections, I don't what those are.

It's dangerous to pass this like this, and we don't know what they are, but if you pass it with the night and then remove that this—even this per scene—I've seen this in the last proposal. Just keep it SCUBA spear, night, and if you're caught, in the boat with both of them—the spear gun and the tank, you're in clear violation. If you have the tank right there, no problem, if you've got the spear right there, no problem, but put them together, probable cause.

We don't use that for emergency purposes, we've been free diving for a long time. Tanking for long—we don't... I'm just—it's high time that we do something about it. It's just—I'm telling you... I'm out there. I'm telling you, Manny has not been out there. I don't see him out there, free diving, looking out on the waters, tanking. We're banned from their organizations.

My sons, my friends... we have our own group. We don't compete anymore with MUFF. They banned us, because we keep fighting for this, and Manny keeps convincing them that this is not a fight among fishermen, but this is high time.

Please—put fabot, SCUBA spear at night. Day time, no problem, do not ban reef spearfishing at night, because they're just limited. This is a start. It's the night, because I'm hearing SCUBA spear, but the problem is at night. They're sleeping right there. The Låggua will sit right there, rack it up, loads, and then you see the coolers at the flea market. Just go, and you'll see those big containers of big fish—big lågua... gâdao... i mandangkolo siha na guihan. Un tungo' ha' na ti ma poponne ennao i kanton i mattingan ha'—that's deep. But I want to thank you for bringing this up, and I want to make sure that you guys do something about this. You would need to take eight to pass, and if the governor does not sign it, it would take ten to override.

I don't want to have to be here again in the next legislature, and I want to thank you the sponsor—who was the sponsor? I see it underlined. Is it Tina? Is it Senator Barnes? Who is the sponsor of this bill?

Chairman Ridgell: Senator Perez is the main sponsor,

Mr. Laguana: Yes—okay.

Chairman Ridgell: Speaker Barnes and myself for co-sponsors.

Mr. Laguana: Okay. Thank you, because I see it's underlined under Tina, and para hågu este, Sabina, ginen i korason-hu yan i korason i famagu'on, yan i manmamaila' siha na hinerasion, hu tungo' ha' na un komprende hu', empottante na ta cho'gue este. Dångkolo na si Yu'os ma'åse' na un email yu', lao hu a'attan håyi nai guini nai na para u tachu—to stand up for this. I wouldn't be here, and I knew Manny would do that.

Would close it, because in the past hearings, we would testify and go, and then he would tell you that story. Well, we have stories too. And the fish stocks are depleted. Believe me. Fanhongge. These guys are here right now. Before, they would refuse to join in with us, because it's a fight among fishermen, but you know? It's the bottom line... we need to do something. And for the future generations and that I've already—you know, I've calculated my life to dedicate my children, my grandchildren that when I'm—my grandson, Eli, he's three-years-old right now, and when I'm—I'm 60 right now. In 20 years, he'll be 23; I'll be 80, and I want to be able to teach him to free dive and catch just for the family and to feed me when I get old through the proper ways of conservation.

We as native Chamorros know when to fish and hunt. Tiempon sinâhi, the five days of the new moon, those five days—everything from land and sea come out. We have seasons when the fish come—the ti'ao, mañâhak, we are seasonal. We don't just go out there, and rape ruthlessly and hunt these denizens of the deep, but it's so dear to me. I try not to write my testimony. My son, Ron, is and you know—in Hawai`i—he submitted testimony. I wish you would hear my other sons are—Vaughn is not here—unable to be here, but it's so dear, it is so important, it is so important. I'm out there, all the time. The rest of my free dive friends here. But we don't go ruthlessly and kill; we're very selective, and we take what's enough for the family, and what happens is—to me, I believe in the Lord, because he gives you what you deserve, that's enough for you. When you hit that fish, and he tears away, he wasn't meant for you. Si Yu'os ennao—God is the one that makes that determination. He makes it enough for you to come home to feed your family, and I believe a lot in the Lord, and then we have—life is too short, but this is something that we would do—this is a start, like Monique said, it is a start. I'm so glad that my fellow free divers are here, and I don't mean anything personal, but I want to tell you that story when I was growing up, I was... Marvin Changco was a SCUBA diver. These guys know him. When he hung about 10 bobhead parrots on the front of his fence in Sinajana, he killed over ten atuhongs, lined it all along the fence. I'm sure the boys know that. That was the end of seeing an atuhong. tanggisons are rare, you can see the small ones, but they're smart now. The big fish are smart. They wouldn't have gotten that big if they weren't smart. Remember that. That's what I've learned through the past, and if you got one of those through your one breath and your one shot, then you are a true warrior. You deserve that, and that's the ancient CHamoru way of doing it. The prize fish made you a warrior, and you deserve that. But I haven't—I have never shot a tanggison in my life. Ilek-ña as Yu'os, ilek-ña “Mungnga i lahi-hu,” I don't know, but I just catch enough. I catch hangon now, guili, palakse' with what I have right now—I'm 60-years-old. One breath, shallow. I don't go 60 and 80 like the guys, but I still want to be able to continue the practice of free diving with one breath, one shot, one kill for the future generations and so on.

Pues sin hâfa mâs, I would like to just thank you. I don't mean any personal—but we've always been battling it with Manny and the Co-Op. I'm not a member of the Co-Op, but I am a subsistence fisherman, a bona fide farmer, and I practice my tradition to feed my family. Dângkolo na si Yu'os ma'âse', and I hope that you guys please get together, and do something, and pass this. Si Yu'os ma'âse'.

Chairman Ridgell: Thank you, Mr. Laguana. All right, the Committee will continue to accept written statements on today's hearing within five business days from today which may be delivered to my office at 238 Archbishop Flores Street, Suite 906 at the DNA building in Hagåtña. Statements may also be submitted via email to sen.cridgell@teleguam.net, or you may send it via fax—sorry, did you sign up?

That's why... you may approach.

Mr. Paul Villanueva, Fisherman: Good evening, Senators. I na'ân-hu si Paul Villanueva, and I'm 58-years-old.

Chairman Ridgell: Sir, please speak in to the microphone.

Mr. Villanueva: Good evening, Senators. I'm not much of a speaker, but my name is Paul Villanueva. I was born and raised here, and I was brought up fishing. I started fishing when I was five-years-old. When you're a chile'guagua—that's why they call it. You're taught how to fish. They won't just give you a speargun and let you fish—you have to watch and listen to techniques.

I got certified in 1981 when I was in Panama, and spearfishing was legal back there. When I came here to Guam, I started spearfishing. I'm a SCUBA spearfisherman. I'm like Mr. Laguana, I fish for my family, and my family, we were brought up eating fish. I eat fish four-to-five times a week. I also do a lot of chenchule'. I give fish for fiestas, rosaries, local parties, and I donate to the manâmkok' who can't fish anymore.

I'd like to say that the preserves work, but there's no enforcement at all on the preserves. I reported—you know, we're good stewards out there. I report every time I see somebody in the preserve. Out of the ten times I've reported, only one time—it was the Coast Guard that responded, and couple of Micronesian boats were fishing in the preserve.

It was never put in the newspaper, but if that was a local person, it would be on the front page. I also reported to Agriculture that the markers for the preserves were never put up. They're no longer there so, people don't know where they're at. I'd like to bring up indigenous fishing—our fishing really was devastated when the Compact Impact was signed into law. It's not only impacted our fishing, it's impacted our way of life where you cannot leave your house unlocked before because of a home invasion or what. I've seen a lot of changes here on Guam. I'm a SCUBA spearfisherman; I do not fish from 25 feet on to the reef, because there's no fish there. The boats that was mentioned... they're there, and they rake up the whole entire reef, but they're not SCUBA diving, they're free diving, and it's at night.

The changes I've seen was because of—there's no more fish in the shallow water, that's because five, six boats, six divers on the boat... they actually raid the stuff. Us, we choose our fish, and we are concerned about atuhong and tanggison... I can go day time, free dive. I've got this technique where you just hang in front of the boat, scare the fish into a hole—go down there, free dive, shoot it, but I don't do it. I think they should be saved for our kids and the future generation. If there's a problem with tanggison and atuhong, we should protect them. We should have a law where nobody can catch them. I know a place where there are schools of atuhong, but we don't fish that area, because I want them to be protected, and it's in the east side. The east side is a real prime area. I told Mr. Nelson while we were on break that I promised Mr. Duenas that I would not fish on Mr. Nelson's property, because he's complaining that we're wiping out their area, but once I make a promise, I keep my promise, but I see these—if you ever go down to the marina and see their catch, they catch a lot of undersized fish.

I guess it's not their island so, they don't care. They don't care if they wipe out all our resources or what. But us, we choose our size, we don't fish the same area. We rotate our areas. I've fished every inch of this island—even when the preserves weren't the preserves... those are all our prime

areas, and only real people can dive up there in the north, because the water is rough all the time. It's a natural preserve.

Something has to be done about fishing. I don't think SCUBA. I went, and I interviewed the places that fill our tanks, and I asked them how many Micronesians SCUBA spear. Out of the three places where I interviewed, they said there's only three guys that are Micronesians that SCUBA spear. I don't see no 40 or 50 who are out there. I'm out there every day, and I've got cuts from tataga or hangon and stuff. Believe me, tataga move around at night. And I've been fishing, like I said, I started when I was five-years-old, I was taught how to fish, and I'm vey proficient at it. I want our kids to see the atuhong and tanggison also. I can easily go out in the day time and shoot tanggison and atuhong—free dive. There's a technique to it where you just chase it around on the boat, it goes into a hole, put on your free diving gear, and go down there and shoot it. If that's a big concern, we should put a law to save them... save them for our children. Other than, that's all—that's all I have to say. Thank you.

Chairman Ridgell: Thank you.

Mr. Edquilane: Hello, it's me again—Roman Edquilane. I just want to—

Chairman Ridgell: Mr. Edquilane, I just want—before you continue, I'd like to first allow anyone who has not yet testified yet to go first. Then you may go again after everyone who has not had the chance to testify gets to testify. Sir, I don't believe you testified yet, correct?

Mr. Jon Deloso, Owner – Machålek Fish Store: Håfa adai!

Chairman Ridgell: Håfa adai, Sir. I don't believe you testified yet, am I correct?

Mr. Deloso: No, not yet. In—

Chairman Ridgell: Please proceed, and begin by introducing yourself—

Mr. Deloso: In this whole week when I heard announcement, I've been testifying about how ridiculous this bill is let me just start with the preserves...

Chairman Ridgell: Please, Sir, please introduce yourself first before you begin your testimony.

Mr. Deloso: Jonathan Deloso, and I fish for thousands of families and manåmko' here who do not fish. Even 2,000 families—that's what I do. Quality fresh fish—good sized, if you want and from Guam. I'm proud to say the fishery catch is from Guam. The preserves... tåya' enforcement. I recommend that you turn our police department into conservers—conservation officers—every single one of them. That way, we'll have—how many officers do have? Five hundred or less... 400? We'll have that force to protect our preserves. Forget about the six—“oh yeah, I introduced another two—oh yeah, my daughter is a senator, they're putting two more.”

That's not going to cut it. I was fishing last night, and guess who was in the preserves? The fact is, the Chuukese—we call them the 13th Fleet. Thirteen boats, 8 to 4 fishermen... they don't SCUBA dive. Maybe only one tank, but they free dive. What these guys do... they free dive. These guys are so professional so, that's my recommendation for the preserves, and it's such a joke, because guess who responds to the call when we call that there's someone in the preserves? The Coast Guard? You don't see no GovGuam—they go on the phone... "Oh yeah, we got a call that there's a violator or a poacher in the preserve." And then the Coast Guard is the one that comes out. Thank God for the U.S. government.

In addition, Agat Marina, Hagåtña Marina... you know how much people are there that we're paying? They're the—those people right now, the rescue people, the police—the officers, they're the next millionaires—see their salaries, how much we're paying them now with the Overtime. Those guys are never out. You hardly see them from their office. We can use those people in addition to making all the officers on Guam a conservation officer.

Wasted taxpayers' money. And we're here trying to ban how many? Eight divers? Eight SCUBA diver fishermen—we're trying to ban them. Do something about the preserves—they're good, they work, and if they don't work, take them out—open it up. Or even ban all spearfishing. You want to save it for your generations? Ban it. Why do they get to shoot a fish, and we can't shoot a fish? If they want to see the fish, go down to Tumon. Bula guihan—that's a preserve. Bula. Piti Bomb Hole. Beautiful. It's the enforcement.

I'm tired of paying taxes, and things are not getting done. You should be focusing on the cost of living on Guam. Do you know how much the fuel costs? How much is the fuel? The west side... Tanggison Power Plant, Piti Power Plant, the sewer—you see the sewer, the tãke' that comes down from the sewer plant in Harmon or Dededo? Agat sewer treatment—Ñamu Falls... every time the heavy rain comes, all the tãke' comes out. Have you seen that? And now you're blaming the SCUBA fishermen? When they built the Agat-Umatac Road, up to 30 to 60 feet of silt ruined, ruined our Cetti Bay, Sella Bay, and guess who's doing something about it? The military. They planted over 50,000 trees. What's Guam doing about it? They planted 50,000 trees, I take the scientists out there so they can do the silt thing, but they need more time to test it. That's GovGuam in charge of that road... ruined. Take care of the tãke'. You see all—you go to Home Depot, you see all the rows of bleach, car wash detergents, where do you think that goes? And you're blaming SCUBA fishermen.

We fish for our livelihood, not fun and games. We don't join contests to over to Yap. "Oh beautiful fish over there." Palau... Tinian, Rota... you know? If it was so beautiful down there, why are their people coming here to work and come to the United States and earn a living?

Let me check what's next.

I don't know, but one of the major legislations that came out of here, I'm just disgusted, because it's killing our kids. It's okay for adults, but our kids... and now, the same thing, it's hurting our kids, because there's more than—my store, there's 25-plus people who have a job. That's what

they need—they need a job, to work. All they know how to do is fish. Are you going to re-train them? Is there a program? “We’re going to ban SCUBA diving, anything involved with that business... who cares?”

We should just close some of the restaurants here—there’s too many restaurants. How would you feel with someone coming to you and saying, “Close that business. That business is not important.” Every job is important—that’s capitalism. This is 2019. People work—many GovGuam jobs. Do they have time to go fish? They rely on us to fish. Have these guys ever? Do they have a store where we can go and buy their fish? Oh, no—it’s just for their family. We have a store. It’s called capitalism, not socialism. It’s freedom. Of course, we need regulations, but this is ridiculous. West side—atan... all the tãke’ that goes there, and you blame the fishermen.

Look at the Boat Basin besides how all the silt has gone into there. Look at the signs. You can’t even read where the preserve is. That’s our government. Our taxpayers... it’s such a joke. Let me tell you that. Department of Agriculture conservation officers—it’s such a joke. How much thousands of dollars we put to them, give them, and they can’t even fix the signs in the Marina or put the signs out in the preserve? We can’t even read it. That’s why the Chuukese go there. “Oh, we can do anything we want, there’s no sign.”

Go out to the Marina, and see... can’t even read it. Anyway, I fully support Manny Duenas and his recommendations. That guy’s a really smart guy, and it’s not going to put us—it’s not going to make us fight each other. Your SCUBA tank, I’m a free diver, we need leaders that can bring us together who really recognize our economy, the challenges we have, stop taking rights away from us to serve another—you already took the preserves, and we agreed to that. Stop putting regulations. I was up there at the Department of Agriculture, they harass my store for selling aliling. We’re the only ones that sell aliling here. They told me I have to get a permit, but when I went to their office, they’re all there in the office getting paid. They should be in the beaches. All the areas, somebody watching—why are they in the office? I’m tired of this corruption government.

I just have to mention that his bracelet is a turtle bracelet, Mr. Laguana, and that’s against the law. Anyways, who knows? We need to test it. Thank you. God bless. And I want to—why do we need to fight? Stop fighting. We need leaders who can get us together. Thank you.

Chairman Ridgell: All right, thank you. Just to be clear, you mentioned a couple times during your testimony about *a store* or *my store*... are you the owner—

Mr. Deloso: Machãlek Fish Market in Agat.

Chairman Ridgell: Machãlek Fish Market in Agat. Okay. So, you are the owner of that—

Mr. Deloso: Owner and fisherman...

Chairman Ridgell: Okay.

Mr. Deloso: I have employees—more than 25 people are attached to it, and they have jobs. So, if you stop us, of course, there's so many things we can do, but that's going to hurt a lot of children.

Chairman Ridgell: Okay.

Mr. Deloso: They're so poor already, how it is, and I'm willing to sign a check to them, pay them every week or every two weeks. This whole summer, the kids came, they didn't go to the Underwater World. I don't know who tipped them off, but they came over and saw all the fish. We have posters, and that's what we do. Come and see what we do—we're not destructive. Let me tell you, I just laugh, because the true fishermen catch fish, and the ones who complain, they can't catch fish are not fishermen. It's the way it is. It's either you're a fisherman or not, but I respect them. Fun and games, cool. Promotions... whatever, but don't ban me; otherwise, we'll just say ban everything, right? The sky's going to fall? Global warming? Ban everything for the generations. Stop eating fish, import it. Eat canned tuna, and let's see how they're going to feel. Thank you, Senator.

Chairman Ridgell: Thank you for your testimony. Is there anyone else that has yet to testify who would like to testify? If not, Mr. Edquilane, is that correct? You may proceed.

Mr. Edquilane: Yes. Thank you. My name is Roman Edquilane, I just want to say a few statements to maybe help to improve the restoration of the fish population. First, I think the fishermen need to self-regulate, and they do that by avoiding catching female fish. If they are fishermen, they can figure it out, they know how to recognize it. Avoid overfishing by rotating your fishing frequency and areas. That's what I do when I started hitting the east side. We were doing that a lot. We were regulating ourselves by rotating our fishing areas. And then we would come back to that area six months later, and the fish population was the same, because the fish population replenishes itself, given enough time. Just like the preserves... if the preserves are enforced, they'll work. Also, fishermen should only catch the adult species of their kind, and this would help leave the small ones alone and have the chance to replenish their stock. On large fish like atuhong and tanggison, I have one idea—I don't know, it might be far out there.

Why not collect fish embryos to fertilize our fish preserves. I think that's not too far off a reality. I think marine biologists could probably figure how to do that. We have large fish in UnderWater World. They got a lot of fish in Philippines and Indonesia. If they could go over there, and I don't know if they can, fly over some fish embryos, and do something with it here, they could probably restock the fish population of those large species a lot faster. It is an idea that popped in my head, and I never heard anyone say anything of it, but why can't they do that?

Another thing is we need to emphasize is we need fish preserves with enforceable laws to affect everyone, not just the locals. It will not work if we don't have enforceable laws on fish preserves. Right now, I don't see it being enforced. It was brought up that Tataga' don't swim at night, but I've been fishing since 1977, and I see Tataga' move around—with tanks and without tanks too. I've been a free diver since '77 to '84. No, because I was swimming on top before I even get to

the bottom, they're already moving. They move with the currents. No Tataga' anymore, the only time they stop is if they are trying to duck into a crack or a hole to evade capture, to evade you, to evade being seen by you. Tataga' move, whether using a tank or not. That's all I have to say. Thank you.

Chairman Ridgell: Thank you. Would anyone else like to provide testimony? Alright. Please state your name for the record.

Mr. William Naden, Fisherman: My name is William Naden, so I am from Merizo. I grew up down there my whole life. I'm 22-years-old, and I was raised to spearfish and I was also raised on stories down in my village and what it was like back in the '80s, back in the '70s.

Kenny Pier, Joe Hobson, all those guys my dad knew. He was a fisherman and raised me to be one as well. In those days, he tells me stories that how you can go out and fill your cooler before you can even get to Facpi One or you get to Facpi Two. You'd have a cooler full of Mahi. It's not like that anymore. Things are changing. Our generation needs this ban. We need to take a step in the right direction. Mostly because we're against a frame of mind that has seen things differently. They have seen those reefs back when they were plentiful; nowadays, we don't see that.

I have a hard time taking my friends out that want to go freediving and want to see the reef. I have a hard time showing them how a healthy reef looks like and that should not be the case. I think today is a day that subject should be contemplated a lot more thoroughly. Not because it's going to affect someone's livelihood, because as a whole, we have to look at it like this is going to affect our island, all of our island. Not just you, not just because you own a fish store, not just because you're in charge of a whole fleet of people who are underneath your Co-Op.

I think this should be looked at as an opportunity to set a tone for my generation, for the younger generations long after everyone in this room has passed. To be able to go out and see a lot healthier version of Guam. Currently, that's why this topic is out here, it's because we don't see that. Our island is not healthy. I don't believe it's because I'm a bad spearfisherman. I don't think it's because someone who is learning how to spearfish has to have fish around. Sorry... I digress. It is harder for us to get out there and shoot anything when there's nothing around. And a lot of that is evident today. There is nothing out there for us to go after. Going back to the stories I was told of Bile, I spearfish Bile every now and then; it's really dead... it is dead inside the reef.

You step out over that ledge, and you'll find stuff, but they're down at 60 to 70 feet. I'm not pointing at SCUBA spearfishing. I'm not pointing at any group in particular. I'm saying right now to make a move in the right direction. The only way we're going to do that is to put away what we think is right and what has been bred into us in the past and kind of adopt a new mind frame. Address things with a little more science, less hocus-pocus. Who cares if the Tataga' swims around at night? I mean, that doesn't have anything to do with what we're talking about. We are talking about our future and our future matters. Whether that damned Tataga' swims really has nothing to do with how many fish my kids, *our* kids will see in the future. It really comes down to what we think is going to improve our situation out here. It feels like we are alone because a lot of other

islands have made that step. Now I know that with Bill coming up again, with the opportunity to set it in place. Now I know I that we might actually join the crowd and protect out home. I am looking forward to that I would really like to see that. Let me introduce myself some more. I spearfish a lot, I was raised doing it down in Merizo. I've done Besbes, hit the outside, backside of Cocos, Bile, Sella, Cetti, I've been there; I've seen them. The conditions aren't great. Only the ones next to the preserves. Those ones are really scary to go to. Those preserves do work. I can say my catch does improve when I'm on the fringes or outside of the preserve.

But that being said, I think it really should come down to what we think is right. I'm sure you senators believe what is right. Believe in what we should have, and we should have a pretty decent future. Maybe as good as the past these people have had. I'm sure they have seen plethora and myriads of fish back in their day. I'd love to see those schools of atuhong. I'd love to see it, not to shoot it, just to marvel at what they are. They are massive, beautiful fish. I don't think we see that today at all. I'd love for someone to take me to the veins of atuhong that they talk about. I'm sure it's some secret, but—so every kid can see that without going to a secret spot and there's a problem. That's all I have to say.

Chairman Ridgell: Thank you. If there's any other testimony.

Mr. Duenas: No, I'm just a bit concerned about this atuhong information. Any of you guys know in this room how much an atuhong eats in coral a year? Anybody in this room can tell me? I'll tell you: five tons of coral a year. And then I just heard earlier, there's coral bleaching, that corals are dead.

I've got 17 cows left at my farm, I had 21 in the beginning of this year. The rest jumped the fence, and I never got them back. At the end of the day nai, animals aren't stupid. So, if you think you are going to see animals where there's no food, then we better really have to think about it, lao at the end of the day I'd really love all this further discussion, because I'll debate the whole scientific committee in this room.

And I'll offer to you Mr. Chairman, by myself, a brainless idiot and all the doctors and PhDs and all these people you can find on a group's basis against me, because I'm really tired of the propaganda and the misinformation. Atuhong eats five tons of coral a year. A tanggison, after 70 pounds, when we used to test them becomes Cigua toxic; that's the reason why you don't see it at our market for the last ten years. I'm just telling you nai, when these guys go and brag about—because they're the ones that Facebook all the big fish. You don't see any SCUBA diver Facebooking anything, but they brag about their big fish, because you're perpetuating that type of honor and respect and cultural relevance by banning SCUBA.

Because you have no inclination as to the real word of culture. I believe in culture. I believe that you don't preserve culture; I believe that you perpetuate it, and the only way you perpetuate it and the language is continue doing what you're doing. But in a reasonable manner. And if you think there is an unreasonable thing happening here, I really wonder if this is the approach. Because like

I said I am willing to sit down with you guys and work it out the right way. That's all I have to say. Thank you for cutting me off earlier I had about another two hours. Thank you.

Chairman Ridgell: Thank you. All right, the Committee will continue to accept written statements on today's hearing within five business days from today which may be delivered to my office at 238 Archbishop Flores Street Suite 906 at the DNA Building in Hagåtña. Statements may also be submitted via email to sen.cridgell@teleguam.com, or you may send it via fax at 671-475-4768. This hearing is now adjourned. It is 7:30 in the evening.

The public hearing was adjourned at **7:30 pm**.

III. FINDINGS & RECOMMENDATIONS

The Committee finds that the intent of Bill No. 53-35 (COR) is justified in that the banning of fishing with the use of self-contained underwater breathing apparatus (SCUBA) devices will serve to aid in the recovery and protect against further depletion of coral reef species in Guam's surrounding waters. Testimonies received at the public hearing show compelling and overwhelming support for the ban; however, many testimonies include concerns of the lack of enforcement or the ineffectiveness of current statutory penalties.

The Committee finds that **Section 4** of Bill No. 53-35 (COR) as introduced contained language not consistent with current statutory language nor the intent of the bill sponsors. The Committee, therefore, is substituting Bill No. 53-35 (COR) to reflect current statutory language to include only the intended amendments to be made to § 63129 of Article 1, Chapter 63, Title 5, Guam Code Annotated.

The Committee further finds that many testimonies raised issues concerning policies for fishing rights, violations, penalties, or enforcement in areas not related to the intent of Bill No. 53-35 (COR) and that these concerns should be addressed at a later time or with separate policy measures.

The Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response hereby reports out Bill No. 53-35 (COR) – An Act to Add New §§ 63101(dd) and 63116.3, and Amend §§ 63129 and 63128, All of Article 1, Chapter 63, Title 5, Guam Code Annotated, Relative to the Prohibition of Fishing with the Use of a Self-Contained Underwater Breathing Apparatus (SCUBA) and Similar Devices in the Waters of Guam or in Any Vessel in the Waters of Guam, introduced by Sabina Flores Perez, Clynton E. Ridgell, and Tina Rose Muña Barnes, As substituted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response with the recommendation to do pass.

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 53-35(COF)

Introduced by:

Sabina Flores Perez *SFP*
Clynton E. Ridgell
Tina Rose Muña Barnes *Tina*

AN ACT TO ADD A NEW § 63101(dd) TO CHAPTER 63 OF TITLE 5, AND TO ADD A NEW § 63116.3 TO CHAPTER 63 OF TITLE 5, AND TO AMEND § 63129 OF CHAPTER 63, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF FISHING WITH THE USE OF A SELF-CONTAINED UNDERWATER BREATHING APPARATUS (SCUBA) AND SIMILAR DEVICES IN THE WATERS OF GUAM OR IN ANY VESSEL IN THE WATERS OF GUAM.

2019 FEB 22 PM 1:32 *J*

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* considers it the duty of the Government of Guam to protect and preserve our island's limited natural resources. Despite the establishment of marine preserves, Guam's stock of certain species of fish is still declining at an alarming rate.

I Liheslaturan Guåhan finds that the Guam Department of Agriculture's Division of Aquatic and Wildlife Resources in 2009 recognized SCUBA fishing as a "serious threat to all reef fish stocks." These results suggest that SCUBA fishing impacts reef fish populations and that the restriction of this fishing method will ensure refuge for fish populations in deeper waters.

I Liheslaturan Guåhan intends to join 63 other countries/states/islands to ban SCUBA fishing to preserve or aid the recovery of large, economically and culturally important coral reef species and to improve the sustainability of coral reef fisheries.

1 **Section 2.** A new item (dd) is hereby *added* to § 63101 of Chapter 63, Title
2 5, Guam Code Annotated to read:

3 “(dd) Scuba Diving – is defined as a form of underwater diving in which a
4 diver uses any apparatus or device that contains compressed air or a mixture of air
5 and gas including but not limited to SCUBA (self-contained underwater breathing
6 apparatus), Nitrox, and surface supplied air and rebreathers.”

7 **Section 3.** A new § 63116.3 is hereby *added* to Chapter 63 of Title 5, Guam
8 Code Annotated to read:

9 “§ 63116.3. Fishing with SCUBA devices.

10 (a) It is unlawful to take any fish with a spear or any other
11 device used for the purpose of taking fish while Scuba Diving, as
12 defined in subsection §63101(dd) of this Chapter.”

13 (b) Enforcement. Any person empowered to enforce this
14 section and any rule or regulation adopted pursuant thereto shall have
15 the authority to stop and board any vessel subject to this section for the
16 purpose of inspection or to determine compliance with this section or
17 any such rule or regulation, and is empowered to issue a summons for
18 appearance in court, or before a magistrate for all violations of this
19 section, or of the rules and regulations prescribed thereunder.”

20 **Section 4.** § 63129 of Chapter 63 of Title 5, Guam Code Annotated is
21 hereby *amended* to read:

22 “§ 63129. Penalty.

23 Any person violating § 63104, § 63105, § 63106, § 63107, ~~or~~ §63108,
24 or §63116.3 of this Article is guilty of a felony punishable by imprisonment
25 of not more than five (5) years, or by a fine of not less than One Thousand
26 Dollars (\$1000), nor more than Five Thousand Dollars (\$5,000), or both. Any
27 person violating § 63606.1 or § 63606.2 of this Chapter shall be guilty of a
28 felony, and upon conviction thereof may be imprisoned for not more than five

1 (5) years, or fined not more than One Hundred Thousand Dollars (\$100,000),
2 or both. A violation of any other provision of this Article or its supporting
3 regulations shall be guilty of a misdemeanor, and upon conviction thereof,
4 shall be punishable by a fine of not less than Two Hundred Dollars (\$200),
5 nor more than Five Hundred Dollars (\$500), or by imprisonment of not more
6 than ninety (90) days, or by both fine and imprisonment. In addition, all
7 pelagic drift nets or their components, equipment for their manufacture,
8 containers for such nets, fish or fish products gathered through the use of a
9 pelagic drift net, and all conveyances including aircraft, vehicles and vessels
10 used for their transport shall be subject to forfeiture, and may be seized by the
11 Governor under process issued by the Superior Court, except that such seizure
12 without such process may be made when the seizure is incidental to an arrest
13 or a search pursuant to a search warrant, or as provided by §63128 of this
14 Article.”

15 **Section 5. Authorization for the Compiler of Laws to Alphabetize and**
16 **Renumber Sections as Necessary.** The Compiler of Laws *may* alphabetize, reorder
17 and renumber any provisions of this Act as needed to improve clarity or avoid
18 conflicts with other sections of public law.

19 **Section 6. Severability.** If any provision of this Act or its application to
20 any person or circumstance is found to be invalid or contrary to law, such invalidity
21 *shall not* affect other provisions or applications of this Act that can be given effect
22 without the invalid provision or application, and to this end the provisions of this
23 Act are severable.

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 53-35 (COR)

As substituted by the Committee on Economic
Development, Agriculture, Maritime
Transportation, Power and Energy Utilities,
and Emergency Response

Introduced by:

Sabina Flores Perez
Clynton E. Ridgell
Tina Rose Muña Barnes

**AN ACT TO ADD NEW §§ 63101(dd) AND 63116.3, AND
AMEND §§ 63129 AND 63128, ALL OF ARTICLE 1,
CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO THE PROHIBITION OF FISHING WITH
THE USE OF A SELF-CONTAINED UNDERWATER
BREATHING APPARATUS (SCUBA) AND SIMILAR
DEVICES IN THE WATERS OF GUAM OR IN ANY
VESSEL IN THE WATERS OF GUAM.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the government of Guam has a duty to protect and preserve our island's limited
4 natural resources. Despite the establishment of marine preserves, Guam's stock of
5 certain species of fish is still declining at an alarming rate.

6 *I Liheslaturan Guåhan* finds that the Guam Department of Agriculture's
7 Division of Aquatic and Wildlife Resources in 2009 recognized SCUBA fishing as
8 a "serious threat to all reef fish stocks." These results suggest that SCUBA fishing
9 impacts reef fish populations and restricting of this fishing method will ensure refuge
10 for fish populations in deeper waters.

1 *I Liheslaturan Guåhan* intends for Guam to join sixty-three (63) other
2 countries, states, and islands that have banned SCUBA fishing in order to preserve
3 and aid in the recovery of large, economically and culturally important coral reef
4 species, and to improve the sustainability of coral reef fisheries.

5 **Section 2.** A new § 63101(dd) is *added* to Article 1, Chapter 63, Title 5,
6 Guam Code Annotated, to read:

7 “(dd) SCUBA diving – is defined as a form of underwater diving in
8 which a diver uses any apparatus or device that contains compressed air or a
9 mixture of air and gas, including, but not limited to, SCUBA (self-contained
10 underwater breathing apparatus), Nitrox, surface supplied air, and
11 rebreathers.”

12 **Section 3.** A new § 63116.3 is *added* to Article 1, Chapter 63, Title 5, Guam
13 Code Annotated, to read:

14 **§ 63116.3. Fishing with SCUBA Devices.**

15 (a) It shall be unlawful to take any fish with a spear or any other
16 device while SCUBA diving, as defined in § 63101(dd) of this Article, unless
17 otherwise authorized pursuant to § 63123 of this Article.

18 (b) Enforcement. Any person empowered by law to enforce this
19 Chapter and any rule or regulation adopted by the Department of Agriculture
20 pursuant thereto shall have the authority to stop and board any vessel or any
21 motor vehicle subject to this Section for the purpose of inspection or to
22 determine compliance with this Section or any such rule or regulation. Any
23 person empowered by law to enforce this Chapter may issue a citation and a
24 Notice to Appear in the Traffic Court Division of the Superior Court of Guam
25 pursuant to 5 GCA § 60107(b)(1).

26 (c) Possession. Any person deemed in possession of fish or other
27 marine animals taken while SCUBA diving shall be in violation of this

1 Section and subject to the applicable fines and terms of imprisonment
2 contained in § 63129(a). For purposes of this Section, “possession,” shall
3 include any motor vehicle, boat, or storage container under the control of the
4 person at the time of apprehension.”

5 **Section 4.** § 63129 of Article 1, Chapter 63, ~~of~~ Title 5, Guam Code
6 Annotated, is hereby ~~amended~~ to read:

7 **§ 63129. Penalty.**

8 (a) Any person violating § 63104, § 63105, § 63106, § 63107, § 63108,
9 § 63114.1, ~~or~~ § 63114.2, or § 63116.3 of this Article is guilty of a felony
10 punishable by imprisonment of not more than five (5) years, or by a fine of
11 not less than Five Hundred Dollars (\$500), nor more than Five Thousand
12 Dollars (\$5,000), or by both, per violation.

13 (b) Any person violating § 63114.3 of this Chapter or any rule adopted
14 thereunder shall be subject to:

15 (1) seizure and forfeiture of a commercial marine license, vessel,
16 or shark feeding equipment; and

17 (2) an administrative fine of at least Twenty-five Thousand
18 Dollars (\$25,000) per violation; provided, that the violator may be
19 assessed administrative fees and costs and attorneys’ fees and costs.

20 (c) Any person violating ~~§§~~ 63606.1 or § 63606.2 of Article 6 of this
21 Chapter shall be guilty of a felony, and upon conviction thereof may be
22 imprisoned for not more than five (5) years, or ~~fine~~ fined not more than One
23 Hundred Thousand Dollars (\$100,000), or both.

24 (d) A violation of any other provision of this Article or its supporting
25 regulations shall be guilty of a misdemeanor, and upon conviction thereof,
26 shall be punishable by a fine of not less than Fifty Dollars (\$50), nor more
27 than Five Hundred Dollars (\$500), or by imprisonment of not more than

1 ninety (90) days, or by both fine and imprisonment. In addition, all pelagic
2 drift nets or their components, equipment for their manufacture, containers for
3 such nets, fish or fish products gathered through the use of a pelagic drift net,
4 and all conveyances including aircraft, vehicles and vessels used for their
5 transport shall be subject to forfeiture, and may be seized by an authorized
6 government of Guam official under process issued by the Superior Court,
7 except that such seizure without such process may be made when the seizure
8 is incidental to an arrest or a search pursuant to a search warrant, or as
9 provided by § 63128 of this Article.”

10 **Section 5.** § 63128 of Article 1, Chapter 63, Title 5, Guam Code Annotated,
11 is amended to read:

12 **“§ 63128. Illegal Use of Nets, Vessels Including Engines, Motors and All**
13 **Vessel Accessories, Paraphernalia, Beasts of Burden, Traps, Firearms,**
14 **Electrical Devices, or Vehicles; Seizure; Forfeiture Proceeding; Sale or**
15 **Destruction.**

16 Any net, vessel including engines, motors and all vessel accessories,
17 paraphernalia, including SCUBA diving equipment, spearguns, or spears, beast of
18 burden, trap, firearm, electrical device or vehicle used for taking or transporting fish
19 or game taken in violation of the provisions of this Article is a public nuisance. Every
20 person authorized to make an arrest for such violation shall seize and keep such net,
21 vessel including engines, motors and all vessel accessories, paraphernalia, including
22 SCUBA diving equipment, spearguns, or spears, trap, firearm, electrical device or
23 vehicle and report the seizure to the Department of Agriculture.

24 The Department of Agriculture shall commence proceedings in the Superior
25 Court by petitioning the court for a judgment forfeiting the items seized. Upon the
26 filing of such petition, the clerk of court shall fix a time for a hearing and cause
27 notices to be posted for fourteen (14) days in at least two (2) public places in the

1 place where the court is held and in the Mayor's Office of the village wherein the
2 person from whom the items were seized resides, setting forth the substance of the
3 petition and the time and place fixed for its hearing. Upon proof that the items seized
4 were used in violation of this Article, the court shall order such items forfeited. Any
5 article so forfeited shall be sold, used or destroyed by the Department of Agriculture.
6 The proceeds from all such sales shall be paid into the Wildlife Conservation Fund."

7 **Section 6. Authorization for the Complier of Laws to Alphabetize and**
8 **Renumber Sections as Necessary.** The Complier of Laws may alphabetize, reorder,
9 and renumber any provisions of this Act as needed to improve clarity or avoid
10 conflicts with other sections of public law.

11 **Section 7. Severability.** If any provision of this Act or its application to any
12 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
13 *not* affect other provisions or applications of this Act that can be given effect without
14 the invalid provision or application, and to this end the provisions of this Act are
15 severable.

COMMITTEE MARK-UP
ON
BILL NO. 53-35 (COR)

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 53-35 (COR)

As substituted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response

Introduced by:

Sabina Flores Perez
Clynton E. Ridgell
Tina Rose Muña Barnes

AN ACT TO ADD NEW §§ 63101(dd) AND 63116.3, AND AMEND §§ 63129 AND 63128, ALL OF ARTICLE 1, CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF FISHING WITH THE USE OF A SELF-CONTAINED UNDERWATER BREATHING APPARATUS (SCUBA) AND SIMILAR DEVICES IN THE WATERS OF GUAM OR IN ANY VESSEL IN THE WATERS OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the government of Guam has a duty to protect and preserve our island's limited natural resources. Despite the establishment of marine preserves, Guam's stock of certain species of fish is still declining at an alarming rate.

I Liheslaturan Guåhan finds that the Guam Department of Agriculture's Division of Aquatic and Wildlife Resources in 2009 recognized SCUBA fishing as a "serious threat to all reef fish stocks." These results suggest that SCUBA fishing impacts reef fish populations and restricting of this fishing method will ensure refuge for fish populations in deeper waters.

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1 I Liheslaturan Guåhan intends for Guam to join sixty-three (63) other
2 countries, states, and islands that have banned SCUBA fishing in order to preserve
3 and aid in the recovery of large, economically and culturally important coral reef
4 species, and to improve the sustainability of coral reef fisheries.

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8 which a diver uses any apparatus or device that contains compressed air or a
9 mixture of air and gas, including, but not limited to, SCUBA (self-contained
10 underwater breathing apparatus), Nitrox, surface supplied air, and
11 rebreathers.”

12 **Section 3.** A new § 63116.3 is added to Article 1, Chapter 63, Title 5, Guam
13 Code Annotated, to read:

14 “§ 63116.3. **Fishing with SCUBA Devices.**

15 (a) It shall be unlawful to take any fish with a spear or any other
16 device while SCUBA diving, as defined in § 63101(dd) of this Article, unless
17 otherwise authorized pursuant to § 63123 of this Article.

18 (b) Enforcement. Any person empowered by law to enforce this
19 Chapter and any rule or regulation adopted by the Department of Agriculture
20 pursuant thereto shall have the authority to stop and board any vessel or any
21 motor vehicle subject to this Section for the purpose of inspection or to
22 determine compliance with this Section or any such rule or regulation. Any
23 person empowered by law to enforce this Chapter may issue a citation and a
24 Notice to Appear in the Traffic Court Division of the Superior Court of Guam
25 pursuant to 5 GCA § 60107(b)(1).

26 (c) Possession. Any person deemed in possession of fish or other
27 marine animals taken while SCUBA diving shall be in violation of this

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1 Section and subject to the applicable fines and terms of imprisonment
2 contained in § 63129(a). For purposes of this Section, "possession," shall
3 include any motor vehicle, boat, or storage container under the control of the
4 person at the time of apprehension."

5 Section 4. § 63129 of Article 1, Chapter 63, of Title 5, Guam Code
6 Annotated, is hereby amended to read:

7 § 63129. Penalty.

8 (a) Any person violating § 63104, § 63105, § 63106, § 63107, § 63108,
9 § 63114.1, ~~or~~ § 63114.2, or § 63116.3 of this Article is guilty of a felony
10 punishable by imprisonment of not more than five (5) years, or by a fine of
11 not less than Five Hundred Dollars (\$500), nor more than Five Thousand
12 Dollars (\$5,000), or by both, per violation.

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14 thereunder shall be subject to:

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16 or shark feeding equipment; and

17 (2) an administrative fine of at least Twenty-five Thousand
18 Dollars (\$25,000) per violation; provided, that the violator may be
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25 regulations shall be guilty of a misdemeanor, and upon conviction thereof,
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Section 4. — § 63129 of Chapter 63 of Title 5, Guam Code

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1 ninety (90) days, or by both fine and imprisonment. In addition, all pelagic
2 drift nets or their components, equipment for their manufacture, containers for
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18 burden, trap, firearm, electrical device or vehicle used for taking or transporting fish
19 or game taken in violation of the provisions of this Article is a public nuisance. Every
20 person authorized to make an arrest for such violation shall seize and keep such net,
21 vessel including engines, motors and all vessel accessories, paraphernalia, including
22 SCUBA diving equipment, spearguns, or spears, trap, firearm, electrical device or
23 vehicle and report the seizure to the Department of Agriculture.

24 The Department of Agriculture shall commence proceedings in the Superior
25 Court by petitioning the court for a judgment forfeiting the items seized. Upon the
26 filing of such petition, the clerk of court shall fix a time for a hearing and cause
27 notices to be posted for fourteen (14) days in at least two (2) public places in the

Enacting the portion of Bill 2025

Good morning Madam Speaker. I am George I. Christou, Jr., Legislative Counsel.

I am George I. Christou, Jr. I was born and raised in the Village of Guahan.

I retired from the U.S. Army in 1997 and served with the Guam National Guard.

I was also appointed by Governor Gable to 2017 and served until January 2021.

In those two careers, I have a total of 35 years of public service.

From that experience, I have learned that the best way to continuously prepare for the work ahead is to stay current.

I am now here to provide my services to the Legislature.

Although this bill is a long time in the making, it is a long time in the making.

Deleted: . If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

In light of that we ALWAYS want to make sure that the Legislature is always up to date on the current laws of the State of Guam.

In my opinion, everyone is an equal. I believe that the highest level of respect is to treat everyone as an individual and to respect their rights.

Our actions in any emergency situation should be to help and to support each other. We should not be afraid to help each other.

It is often said that every day is a gift. We should not take any day for granted. We should live every day to the fullest.

Best and shortest time possible. This is what our people expect and deserve.

I believe this bill moves us towards that goal. I believe this bill is a good one. Thank you for allowing me to share my thoughts and I look forward to your comments.

Thank you for allowing me to share my thoughts and I look forward to your comments. I believe this bill moves us towards that goal.

1 place where the court is held and in the Mayor's Office of the village wherein the
2 person from whom the items were seized resides, setting forth the substance of the
3 petition and the time and place fixed for its hearing. Upon proof that the items seized
4 were used in violation of this Article, the court shall order such items forfeited. Any
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6 The proceeds from all such sales shall be paid into the Wildlife Conservation Fund."

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Senator Amanda L. Shelton,
Vice Chairperson

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telená Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), Ph.D.,
Member

Senator Sabina Flores Perez
Member

Senator Clynton E. Ridgell
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

March 11, 2019

Senator Joe S. San Agustín
Member

Senator Jose T. Terlajá
Member

Senator Therese M. Terlajá
Member

Senator James C. Moylan
Member

Senator Mary Camacho Torre
Member and
Chair, Subcommittee on Protocol

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chairperson, Committee on Rules

Re: Fiscal Notes

Buenas yan Håfa adai.

Attached, please find the fiscal notes for the following bills:

Bill No. 2-35 (LS)

Bill No. 53-35 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 53-35 (COR)**

AN ACT TO ADD A NEW § 63101(dd) TO CHAPTER 63 OF TITLE 5, AND TO ADD A NEW § 63116.3 TO CHAPTER 63 OF TITLE 5, AND TO AMEND § 63129 OF CHAPTER 63, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF FISHING WITH THE USE OF A SELF-CONTAINED UNDERWATER BREATHING APPARATUS (SCUBA) AND SIMILAR DEVICES IN THE WATERS OF GUAM OR IN ANY VESSEL IN THE WATERS OF GUAM.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Department of Agriculture (DOAg)	Dept./Agency Head: Chelsa Munn-Brecht, Acting Director
Department's General Fund (GF) appropriation(s) to date:	\$3,137,410
Department's Other Fund appropriation(s) to date: Guam Invasive Species Inspection Fee Fund - \$463,478; Guam Plant Inspection and Permit Fee Fund - \$99,491; Rabies Prevention Fund - \$43,076; Tourist Attraction Fund - \$431,868	\$1,037,913
Total Department/Agency Appropriation(s) to date:	\$4,175,323

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund (specify)	Total:
FY 2018 Unreserved Fund Balance		\$0	\$0
FY 2019 Adopted Revenues	\$0	\$0	\$0
FY 2019 Appro. (P.L. 34-116 thru 34-162)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2019 (if applicable)	FY 2020	FY 2021	FY 2022	FY 2023
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund (specify)	\$0	\$0	\$0	\$0	\$0	\$0
Total 1/	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes /X/ No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No
/X/ Requested agency comments not received by due date (DOAg & the Office of the Attorney General/OAG)

Analyst: Raymond Rios, BMA I Date: 3/7/19 Director: Lester A. Carlson, Jr., Acting Director Date: MAR 08 2019

Notes:
1/: Bill No. 53-35 proposes to prohibit spearfishing or using any other device for fishing while in the act of SCUBA diving in Guam waters or in any vessel in the waters of Guam. It also imposes penalties for such acts in line with existing penalties outlined in § 63129, Article 1, Chapter 63, Title 5, GCA. Besides the monetary fines imposed for violations of the proposed laws, the potential fiscal impact of this legislation would be on the appropriate resources required for enforcement of these mandates, prosecution of those charged (judicial proceedings), and incarceration of convicted individuals (detainment at the Department of Corrections, etc). However, absent additional information from the DOAg and the OAG the fiscal impact cannot be determined at this time. It should be noted that the Bill's citation of § 63129 excludes amendments added through P.L. 31-10.



Clynton E. Ridgell

Senator - 35th Guam Legislature

*Committee on Economic Development, Agriculture, Maritime Transportation,
Power and Energy Utilities, and Emergency Response*

COMMITTEE VOTE SHEET

Bill No. 53-35 (COR) As substituted by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response – “AN ACT TO ADD NEW §§ 63101(dd) AND 63116.3, AND AMEND §§ 63129 AND 63128, ALL OF ARTICLE 1, CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF FISHING WITH THE USE OF A SELF-CONTAINED UNDERWATER BREATHING APPARATUS (SCUBA) AND SIMILAR DEVICES IN THE WATERS OF GUAM OR IN ANY VESSEL IN THE WATERS OF GUAM.” Introduced by Sabina Flores Perez, Clynton E. Ridgell, Tina Rose Muna Barnes

SENATOR	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Clynton E. Ridgell Chairperson		✓ 2/7/2020				
Speaker Tina Rose Muña Barnes Vice Chairperson		✓ 2/7/2020				
Senator Régine Biscoe Lee Member		✓ 2/7/2020				
Senator Jose T. “Pedo” Terlaje Member		✓ 2/7/2020				
Senator Therese M. Terlaje Member						
Senator James C. Moylan Member		✓ 2/7/2020				
Senator Mary Camacho Torres Member						