



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

14 APR 2006

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 228(EC), "AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED; TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED; AND TO ADD A NEW SECTION 63132 TO TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES," which I signed into law on April 14, 2006, as **Public Law 28-107**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo SECRETARY OF THE LEGISLATURE ACKNOWLEDGEMENT RECEIPT	
Rcv'd by: <u>Nikole</u>	Print Name & Initial
Time: <u>10:00</u>	Date: <u>4-26-06</u>

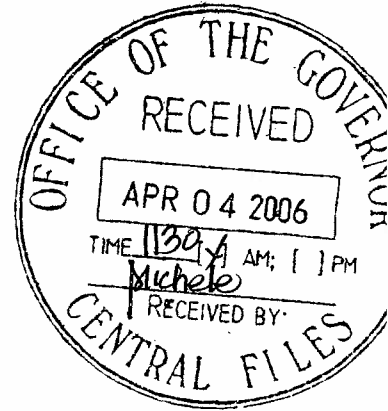
Office of the Speaker
MARK FORBES

Date: 4/17/06
Time: 11:47
Rec'd by: [Signature]
Print Name: R. Forbes
28-06-07/81



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

March 31, 2006




The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 152(LS), 192(EC), 208(EC), 223(LS), 253(EC) & 255(LS); and Substitute Bill Nos. 234(LS) & 254(LS) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 22, 2006; Bill Nos. 219(EC), 245(EC) & 262(EC), and Substitute Bill Nos. 125(EC), 228(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 24, 2006; and Substitute Bill No. 243(LS) which was passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 30, 2006.

Sincerely,

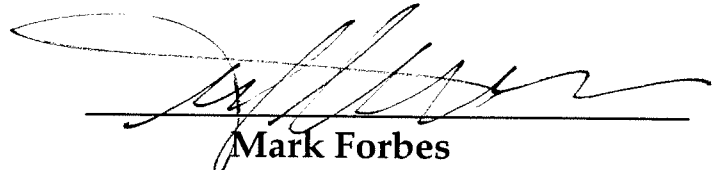

EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (14)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 228 (EC), "AN ACT RELATIVE TO *ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED; TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED; AND TO ADD A NEW SECTION 63132 TO TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES*", was on the 24th day of March, 2006, duly and regularly passed.




Mark Forbes
Speaker

Attested:




Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'láhen Guåhan* this 04 day of April,
2006, at 1130 o'clock 4 .M.



Assistant Staff Officer
Maga'láhi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'láhen Guåhan

Date: 14 APRIL 2006

Public Law No. 28-107

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session**

Bill No. 228 (EC)

As substituted by the Committee on
Natural Resources, Utilities &
Micronesian Affairs and amended
on the Floor.

Introduced by:

J. M.S. Brown
J. T. Won Pat
F. B. Aguon, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
Ray Tenorio
A. R.. Unpingco

**AN ACT RELATIVE TO *ADDING* NEW
DEFINITIONS TO SECTION 63101 OF CHAPTER
63, DIVISION 6 OF TITLE 5 GUAM CODE
ANNOTATED; TO *ADD* NEW SUBSECTIONS
63116.1 AND 63116.2 TO SECTION 63116
CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM
CODE ANNOTATED; AND TO ADD A NEW
SECTION 63132 TO TITLE 5 GUAM CODE
ANNOTATED TO EXPAND THE PROTECTION
OF GUAM'S MARINE RESOURCES.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent:** *I Liheslatura* finds that the
3 protection of the significant aquatic and natural resources of Guam’s marine
4 environment will benefit present and future generations. Throughout the years,
5 statutes have been enacted to attempt to achieve a comprehensive management,
6 protection and conservation plan to enhance our island’s natural and cultural marine
7 heritage, and the ecologically and economically sustainable use of the marine
8 environment for future generations. This is in accordance with the intent of
9 Presidential Executive Order 13158, and the national establishment of Marine
10 Protected Areas.

11 *I Liheslatura* further finds that Public Law 24-21 established marine preserves
12 as a proactive approach to protect our island’s marine habitats and ecosystem to allow
13 the fish stock and other marine life to continue to thrive in our island’s surrounding
14 waters.

15 *I Liheslatura* also finds that to augment the Department of Agriculture’s
16 authority to regulate activities which may negatively impact the health and welfare of
17 marine preserves’ species and habitat, Public Law 27-87 mandated the Department of
18 Agriculture to promulgate rules and regulations pursuant to the Administrative
19 Adjudication Act to establish an eco-permitting system.

20 Therefore, it is the intent of *I Liheslatura* to continue its protection of
21 established marine preserves and to strengthen the regulatory authority of the
22 Department of Agriculture to benefit current and future generations.

23 **Section 2. §63101, Chapter 63, Division 6 Title 5 GCA is amended to**
24 **read:**

25 **“Section 63101. Definitions.** As used in this Article:

1 (a) Altering – to change, damage, impact, break, remove, relocate, or
2 to harm, resulting from activities to include, but not limited
3 to, construction, drilling, trenching, mechanical equipment, and development;

4 (b) Angling - taking of aquatic animal life with a hook;

5 (c) Aquatic Life - includes all aquatic animals and aquatic plants;

6 (d) Coral – any live or dead member or part thereof of the Phylum
7 Cnidaria that form calcareous skeletons, spicules, or sclerites (including soft
8 and hard corals both hermatypic and ahermatypic) or exist as sessile, solitary, or
9 colonial polyps. Those members include, but are not limited to, all stony corals
10 (Scleractinia), fire corals (Milleporina), hydrocorals (Stylasterina), soft corals
11 (Alcyonacea), blue corals (Coenothecalia), organpipe corals and relatives
12 (Stononifera) sea fans (Gorgonacea), black corals (Antipatharia), and sea
13 anemones (Order Actinaria, Ceriantharia, and Zoanthidea);

14 (e) Firearm - any weapon, the operating force of which is an
15 explosive. This definition includes pistols, revolvers, rifles, shotguns, machine
16 guns, automatic rifles, noxious gas projectors, mortars, bombs, cannons,
17 submachine guns, powerheads, and bangsticks. The specific mention of certain
18 weapons does not exclude from this definition other weapons operated by
19 explosives;

20 (f) Fish - any aquatic animal life, including, but not limited to, oysters,
21 clams, mollusks, mussels, crustaceans, other shellfish, and coral;

22 (g) Fish Weir - an apparatus for catching fish, consisting of a pocket or
23 trap, with one or more wings or leaders, or both. Any reference to a fish weir in
24 this Article includes any part or component thereof, including any pole, support,
25 net, brush, wire, mesh, rope, or other item or material. For the purpose of this
26 Article, there are two (2) types of fish weirs:

- 1 (1) Main weir means the central pocket or trap of any fish weir
2 and its leader (main entrance) and wings (side entrance); and
- 3 (2) Auxiliary weir means any supplementary trap or pocket and
4 its leader and wings which are attached to the leader or wings of a
5 main weir;
- 6 (h) Game - all native or introduced species of wild birds and wild or
7 feral animals;
- 8 (i) Juvenile Goatfish (*Ti'āo*)- is defined as fish within the family
9 Mullidae (Goatfishes) that are four (4) inches (100 mm) or smaller when
10 measured from the tip of the snout or jaw to the rear center edge or fork of the
11 tail (fork length);
- 12 (j) Juvenile Jacks (*I'e'*)- is defined as fish within the family
13 Carangidae (Jacks) that are four (4) inches (100 mm) or smaller when measured
14 from the tip of the snout or jaw to the rear center edge or fork of the tail (fork
15 length);
- 16 (k) Juvenile Rabbitfish (*Mañāhak*) - is defined as fish within the
17 family Siganidae (Rabbitfishes) that are three (3) inches (76 mm) or smaller
18 when measured from the tip of the snout or jaw to the rear center edge or fork
19 of the tail (fork length);
- 20 (l) Mangroves - are defined as plants growing in soils with a high salt
21 content and/or possess a well-developed system of conducting tissue to
22 transport water, mineral salts, and sugars that occur in estuarine-tidal flat areas
23 to include, but not limited to, species in the family Rhizophoraceae;
- 24 (m) Marine Preserve - is defined as a delineated area in which certain
25 activities or uses are permanently restricted or prohibited;
- 26 (n) Resource- is defined as any non-living, or living entity;

1 (o) Rock - is defined as any hard material larger than sand size grains
2 made from a mineral or petrified mass including, but not limited to, coral
3 skeleton that has been weathered to form limestone;

4 (p) Sand - is defined as any loose grainy non-living material formed
5 from the erosion of rocks, skeletal material and/or calcium carbonate
6 formations;

7 (q) Seagrass - is defined as any species of marine angiosperms
8 (flowering plants) to include, but not limited to, species in the families
9 Hydrocharitaceae and Potamogetonaceae;

10 (r) Snagging - is defined as fishing in a manner with jerking motions
11 with hooks and line in an attempt to pierce the body of the fish externally;

12 (s) Take - is defined as hunt, pursue, catch, capture, angle, seize, kill,
13 trap, harm, shoot in any way or by any agency or device; every attempt to do
14 such acts or to assist any other person in the doing of or the attempt to do such
15 acts;

16 (t) Traditional Fishing Methods - is defined as subsistence-level
17 cultural fishing practices in which the catch is not marketed, but rather is shared
18 within the family or community for purposes of home consumption. Traditional
19 methods most commonly include, but are not necessarily limited to:

20 (1) cast net (*talàya*);

21 (2) drag net/seine (*chenchulon ma hålla*);

22 (3) surround net (*chenchulon ma sugon*);

23 (4) trap net (*chenchulon ma mongle*); and

24 (5) butterfly net (*chenchulon ababbang*).

1 (u) Vehicle - is defined as including every description of carriage or
2 other contrivance used, or capable of being used, as means of transportation on,
3 below, or above the land, including boat trailers, but does not include aircraft;

4 (v) Vessel - is defined as including every description of watercraft or
5 other contrivance used, or capable of being used, as means of transportation in
6 water; and

7 (w) Waters of Guam - is defined as that area of shore and waters
8 seaward of the mean high water line (mark) to the outermost limits of Guam's
9 exclusive economic zone as provided by 1 GCA §402(a)."

10 **Section 3. A new §63116.1 is hereby *added* to Chapter 63, Division 6, Title**
11 **5 Guam Code Annotated to read:**

12 "§63116.1. **Purpose of Marine Preserves.** The purpose of the marine
13 preserve is to protect, preserve, manage, and conserve aquatic life, habitat, and
14 marine communities and ecosystems, and to ensure the health, welfare and
15 integrity of marine resources for current and future generations by managing,
16 regulating, restricting, or prohibiting activities to include, but not limited to,
17 fishing, development, human uses."

18 **Section 4. A new §63116.2 is hereby *added* to Chapter 63, Division 6, Title**
19 **5 Guam Code Annotated to read:**

20 "§63116.2. **Activities within Marine Preserves.** All forms of fishing,
21 and the taking or altering of aquatic life, living or dead coral and any resources
22 to include, but not limited to, mangroves, seagrass, sand, and rocks within a
23 preserve, is unlawful except as specifically permitted by the Director of
24 Agriculture through regulations."

1 **Section 5.** A new §63132 is hereby *added* to Chapter 63, Article 1 of Title 5
2 GCA to read:

3 “§63132. ***Chamorro Terms required.*** All references in Guam statutes
4 and regulations to terms defined by Title 5 GCA §63101 are hereby modified to
5 reflect the updated *Chamorro* spelling therein.”

w/o engrossment

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 7/24/06

VOTING SHEET

Bill No. 228(FC)

Resolution No. _____

Question: _____

NAME	<u>YEAS</u>	<u>NAYS</u>	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.					✓
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Office of Vice-Speaker

Joanne M. Salas Brown

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
28th GUAM LEGISLATURE

March 23, 2006

The Honorable Mark Forbes
Speaker
I Mina' Bente Ocho na Liheslaturan Guahan
28th Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Dear Speaker Forbes:

The Committee on Natural Resources, Utilities & Micronesian Affairs to which was referred Bill No. 228 (EC) "AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS ~~63129 SECTION AND 63601,~~ AND TO ADD SECTION 63132 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES," has had the same under considered, and now wishes to report back the same with the recommendation **TO DO PASS** *as substituted*.

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

The Committee votes are as follows:

<u> 5 </u>	To Do Pass
<u> 0 </u>	Not To Pass
<u> 4 </u>	Report Out
<u> 0 </u>	Abstain
<u> 0 </u>	Inactive File

A copy of the Committee report and other pertinent documents are attached for your immediate reference information. Should you have any questions, please do not hesitate to contact me at 472-3450/1.

Sincerely,

JOANNE M.S. BROWN
Chairwoman
Committee on Natural Resource,
Utilities, & Micronesian Affairs

(Attachments)

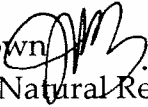


Office of Vice-Speaker
Joanne M. Salas Brown
MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
28th GUAM LEGISLATURE

March 15, 2006

Memorandum

To: Committee Members

From: Vice Speaker Joanne M.S. Brown 
Chairwoman, Committee on Natural Resources, Utilities & Micronesian Affairs

Subject: Bill No. 228 (EC) AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS ~~63129 SECTION AND~~ 63601, AND TO ADD SECTION 63132 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES.

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Agenda
4. Bill No. 228 (EC) as introduced
5. Bill No. 228 (EC) as substituted
6. Public Hearing Sign sign-in sheet
7. Notice of Public Hearing
8. Written Testimony

Please take the appropriate action on the attached voting sheet. Your kind attention and cooperation in this matter is greatly appreciated.

Should you have any questions on the report and the accompanying documents, please do not hesitate to contact me at 472-3450/1.

Thank you.



MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
COMMITTEE ON NATURAL RESOURCES,
UTILITIES & MICRONESIAN AFFAIRS

VICE SPEAKER JOANNE M.S. BROWN, CHAIRWOMAN

Bill No. 228 (EC) "AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS 63129 SECTION AND 63601, AND TO ADD SECTION 63132 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES."

VOTING SHEET

MEMBERS	TO PASS	NOT TO PASS	REPORT OUT	ABSTAIN	INACTIVE FILE	INITIALS
Vice Speaker Joanne M. S. Brown, Chairwoman	✓					<i>JMB</i>
Speaker Mark Forbes, Ex-Officio Member			✓			<i>M.F.</i>
Senator Michael Cruz, Vice Chairman	✓					<i>M. Cruz</i>
Senator Frank Aguon, Member	✓					<i>F. Aguon</i>
Senator Edward J.B. Calvo, Member			✓			<i>E. Calvo</i>
Senator Lawrence Kasperbauer, Member						
Senator Lou Leon Guerrero, Member			✓			<i>L. Guerrero</i>
Senator Jesse Lujan, Member						
Senator Rory Respicio, Member						
Senator Ray Tenorio, Member	✓		✓			<i>R. Tenorio</i>
Senator Antonio Unpingco, Member	OFF ISLAND					<i>A. Unpingco</i>
Senator Judith Won Pat, Member	✓					<i>J. Won Pat</i>

**I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN
28th GUAM LEGISLATURE**

**COMMITTEE ON NATURAL RESOURCES, UTILITIES &
MICRONESIAN AFFAIRS**

**VICE SPEAKER JOANNE M.S. BROWN
CHAIRWOMAN**

**COMMITTEE REPORT
BILL NO. 228 (EC)**

"An Act Relative To Adding New Definitions To Section 63101 Of Chapter 63, Division 6 Of Title 5 Guam Code Annotated And To Add New Subsections 63116.1 And 63116.2 To Section 63116 Chapter 63, Division 6 Of Title 5 Guam Code Annotated And To Amend Sections 63129 Section 63601 Of Chapter 63, Division 6 Of Title 5 Guam Code Annotated To Expand The Protection Of Guam's Marine Resources."

COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS

I. OVERVIEW

The Committee on Natural Resources, Utilities & Micronesian Affairs held a public hearing on Friday December 09, 2005 at 9:00 a.m. in the Public Hearing Room of the Guam Legislature in Hagåtña, Guam.

Committee Chairwoman, Vice Speaker Joanne M.S. Brown commenced hearing at 9:15 a.m. with welcoming remarks.

Senators Present:

Vice Speaker Joanne M. Brown, Chairwoman
Senator Lawrence Kasperbauer, Committee Member
Senator Judith Won Pat, Committee Member
Senator Robert Klitzkie

II. TESTIMONY

The following is a summary of oral and written testimony provided during the hearing:

• Paul Bassler, Director, Department of Agriculture

Mr. Bassler provided oral testimony in favor of the measure and offered his appreciation to Vice Speaker Brown for introducing the bill. He testified that the proposed legislation reinforces the government's commitment to the long-term health of the island's marine resources. He added that over the past few years the health of the marine preserves is evident and there is a need to continue protecting the marine preserves for long-term benefits for future generations.

The agriculture department also submitted written testimony with proposed amendments to clarify Section 2 relative to definitions as follows:

- i. (b) add "powerheads and bangsticks,"
- ii. (c) add "and coral,"
- iii. (m) add "or part thereof"
- iv. (t) add "76 mm"
- v. (u) add "4 (four)" and "(100 mm)"
- vi. (v) add "(100 mm)," and
- vii. add "(w) Altering- means to change, damage, impact, break, remove, relocate, or harm resulting from activities to include, but not limited to, construction, drilling, trenching, mechanical equipment and development."

- **Manny Duenas, President, Guam Fishermen's Cooperative Association**

Mr. Duenas offered testimony in support of the bill, but he also had some reservations stating that fishermen, although they comprise less than one per cent of those who utilize the preserves, are blamed for adverse effects on them. He testified that he was appreciative that cultural and traditional aspects were included in the legislation, but stated that there is a disparity in restrictions placed on different groups. As an example, Mr. Duenas used the raking of green algae along the shoreline of Tumon Bay. He said although this may be conducted for aesthetic reasons, that this is taking of marine life; if one group is restricted from this activity, then this should be across the board.

Mr. Duenas also submitted written testimony to reiterate the association's strong concern regarding the definition of traditional fishing methods. He stated that the definition provided in Section 2(h) of the proposed legislation is discriminatory and insensitive. The association offered the following language and recommendations:

- 1) "Traditional Fishing Methods means cultural fishing practices whereby the following methods are most commonly used but are not necessarily limited to;" or
- 2) "Traditional Fishing Methods means subsistence-level cultural fishing practices whereby the following methods are most commonly used but are not necessarily limited to:"
- 3) Deletion of Section 2(h) in its entirety.

- **Trina Leberer, Private Citizen**

Ms. Leberer provided written and oral testimony stating that, as former acting chief of the Division of Aquatic and Wildlife Resources, she is in full support of the bill. She further testified that it strengthens the ability of the Department of Agriculture to more effectively manage Guam's marine resources. Ms. Leberer stated that since the preserves' establishment in 2001, there has been an increase in fish stock and marine life. She listed other efforts to sustain the marine resources and health of the preserves including the eco-permitting mandate, passage of new soil and erosion control measures by the Guam Environmental Protection Agency, and the drafting of the Guam Seashore Reserve Plan.

Ms. Leberer also offered two amendments to the bill as written, including the size of Juvenile Jacks, or *E'e*, from eight inches to less than four inches, and under Section 63601, she suggested it should be stated specifically that the transplanting or moving of coral is prohibited without approval.

- **Jay Gutierrez, Fisheries Supervisor, Department of Agriculture**

Mr. Gutierrez provided written and oral testimony in support of Bill No. 228 to expand the protection of Guam's marine preserves. He testified that the measure is an important step toward the enhancement of Guam's five marine preserves, and prior to the designation the health of coral reefs and fish stocks were declining. Now, there is a noticeable difference in the health of the reef and fish within a preserve when compared to a non-preserve area.

He further testified that the success of the preserves have benefited private companies and community members who take advantage of the areas. Monitoring, enforcement, education and outreach and community support have played a role in the achievements of the preserves. He concluded his testimony by stating that Bill 228 will enhance the preservations' successes and hopes that the legislation will receive support from the legislature.

- **Evangeline Lujan, Administrator for the Guam Coastal Management Program and Point of Contact for Guam for the Coral Reef Initiative**

Ms. Lujan provided oral and written testimony stating that the Guam Coastal Management Program is supportive of the Department of Agriculture's efforts to strengthen the management of Guam's marine preserves and the protection of marine resources. She stated Guam receives \$700,000 in federal funds to address identified threats and protect the island's coral reefs. The funds were used to conduct related studies, hire a natural resources attorney and additional conservation officers. She added that a study was conducted to assess the value of Guam's coral reefs and at a minimum they are valued at approximately \$140 million per year. Ms. Lujan stated that it is important to strengthen the laws that assist in the management of the island's marine preserves for the benefit of future generations.

- **Jose Garrido, Private Citizen representing Chamorro fishing tradition**

Mr. Garrido provided oral testimony against Bill No. 228. He stated that the bill is too expansive and not restrictive enough to protect the fundamental, cultural and traditional rights of the Chamorros. Mr. Garrido said when the legislation for the establishment of the marine preserves solicited public testimony, he testified against it because he felt it violated Chamorro cultural and fishing rights to the areas.

He further testified that we have to take into consideration Guam's political status and that we are not a self-governing entity, that Guam's citizens do not have to adhere to all the US says, according to the Organic Act, and this should be taken into consideration when proposing policies. Mr. Garrido acknowledged that his testimony will not be well-received, but feels that Guam's citizens are treated like immigrants, and they are treated better than local citizens. He further testified that he feels the marine preserve regulations are insistent and referencing the

Achang Bay Preserves and the Piti Preserves. He added that hotels along Tumon Bay are in violation of the marine preserve laws since the statutes' enactment.

Mr. Garrido inquired of the panel whether the regulations of harvesting sea cucumbers, or *balate*, was still 100 per person because he said he has seen people who have violated this rule. He also spoke about the restrictions on local fishermen using their catch for sustenance, but immigrants are allowed to do this as evidenced by makeshift fish stands set up on the shoulders of the island's thoroughfares selling harvested seafood.

He also recommended that the author of the legislation contact the Office of Chamorro Affairs or the Guam Public School System Chamorro Studies to verify the spelling and usage of Chamorro words in proposed legislation specifically the words for fishing nets. i.e. cast net, or *talaya*; drag net/seine, or *chinchulon mahala*; surround net or *chinchulon umesugon*; trap net or *chinchulon managam*; butterfly net or *chinchulon ababang*, and *lalago*. Mr. Garrido said he has never heard of the word *chinchulon umesugon*.

He added that people who are non-citizens, specifically H2 workers, use unhealthy methods such as using crowbars and rebar to pry shellfish from rocks or holes. He added that he believes allowing people to do this is not protecting our natural resources.

- **Jesse Rosario, Western Pacific Regional Fisheries Management Council Advisory Panel Member and Indigenous Fisherman**

Mr. Rosario provided oral testimony stating that although it is well intended, he is not in support of the bill because he does not believe that stakeholder input, specifically fishermen, was included.

He stated that he shared Mr. Garrido's sentiments that the Chamorros are being neglected and that culture is not being addressed with regard to the marine preserves. Mr. Rosario said he is trying to establish a central fisherman's organization where they can work with mayors' offices and organize seasonal takes of certain types of fish.

He shared Mr. Duenas' concerns relative to equal enforcement and regulated activities within the designated marine preserves. He cited the activities of paddling organizations and the Birdman Rally in 2002. He noted that he would like to see the Marine Protected Areas make a move toward Fish Ecosystem Plans, which are areas compared to specific species which is more viable to sustain our resources for present and future generations. He also noted that he would like to see the exclusive economic zone work inwards to address land-based degradation issues. He concluded by reiterating that stakeholder input is key to the success of any law.

Mr. Rosario later submitted written testimony withdrawing his oral testimony against the bill. He wrote that after further discussions with Mr. Jay Gutierrez, Department of Agriculture, and Mr. Manny Duenas, Guam Fisherman's Cooperative Association, who defined the purpose of the measure; to promulgate the penalties and fines of illegal use of modern chemical or explosives in Guam's oceans.

- **Rita Franquez, Private Citizen**

Ms. Franquez provided oral testimony and asked senators to verify whether Guam has a 300 mile exclusive economic zone. She stated that if this is true then the Marianas Trench has tremendous resources, including gas deposits that Guam could take advantage of.

Ms. Franquez then stated that she has observed people in Piti selling octopi and like sea cucumbers they serve as cleansers, and if you take the female octopi then other octopi will affect the proliferation of these sea animals. She touched on the abuses of the past and the depletion of sea resources such as Trochus.

- **Steve Kasperbauer, Private Citizen & Alupang Beach Club representative**

Mr. Kasperbauer provided oral testimony and began by thanking the committee for efforts to bring the community together to provide input. He stated that preceding laws state prior and future intent. He wanted to know if this was specific to the five preserves or if this would expand the preserves. He inquired whether there was a list of activities within Marine Preserves available to clear up any questions. He stated that Public Law No. 24-21, which established the Marine Preserves, had a grandfather clause for certain groups of fishermen. He asked whether this was specific to the preserves or did it include other areas. He also cited his concern with Section 5 "Taking of Coral Unlawful" being broader than the parameters of the preserves because he knows a number of ocean front private properties, including his business along Alupang Cove. He stated that during storm surges broken coral and marine life will be washed ashore and if Section 5 is inclusive of private properties then property owners would have to apply for a permit to clean their property of coral; he sought clarification. He stated that through the months of December through March there are numerous surges and permits cannot be processed fast enough so enforcement will be a problem.

- **Paul Shida, Guam Paul's Diving**

Mr. Shida provided oral testimony in favor of the bill stating that he has lived on Guam for nearly 30 years and is part of the professional diving business. He further testified that he has witnessed the degradation of Guam's waters and believes that part of this is due to over-fishing of certain species of fish and the practice of nighttime spear fishing with scuba gear. He

stated that he recently returned from a trip to Rota, where they have a law prohibiting this method of fishing and there is evidence of a replenishment of certain types of species since the mandate's enactment. He wanted this to be addressed in Guam's local statutes calling for a ban on this practice.

III. Concerns/Questions from committee and individuals who presented testimony:

- After Mr. Gutierrez's testimony, Chairwoman Brown asked about the Department of Agriculture's progress relative to prior legislation passed allowing the issuance of citations to those who commit offenses in marine preserves.
- Mr. Bassler noted that it has taken a long time to complete the fee schedule. He stated that it was completed about six months, and they are now awaiting word from the Office of the Attorney General, and it is going through the Administrative Adjudication Act. He further commented that now with the Natural Resources Attorney on board, the process is moving quickly, and they hope to have feedback in the next few days.

Mr. Bassler stated that the attorney general's office suggested the agriculture department develop a memorandum of understanding be developed with the court system utilizing a tiered billing system. He said that he spoke with the natural resources attorney that morning and was hopeful that they would have something within a 30-day timeframe.

- Vice Speaker Brown acknowledged that this is something that has been worked on for several years and stated that she is looking forward to the implementation.
- Vice Speaker Brown addressed Mr. Duenas stating her appreciation of the association's support. She noted that land-based activities play a large role in the adverse effects on marine preserves. She added that the Department of Agriculture perhaps could review practices such as beach sweeping because it raises ecological and safety issues.
- Vice Speaker Brown stated that Mr. Rosario's concerns about the adverse effects on the preserves when events such as the Birdman Rally are held are relevant, and she and Sen. Won Pat testified before the Seashore Protection Commission against the event in 2001. Since then, laws have been enacted to prohibit detrimental activities. She noted that the preserves and their resources are assets to the community, and no one person can claim ownership.
- Vice Speaker Brown stated that there is a process that allows for public input and reminded Mr. Bassler to expand this with respect to the eco-permitting process. She reminded everyone that the biggest enforcer of environmental/resource protection is people.

- Senator Won Pat asked Mr. Rosario what specifically he meant by his statement that the preserves are being sustained and not culture.
- Mr. Rosario responded by stating as an example, during the manahak runs in Tumon Bay, fishers are restricted from using scoop nets and this is a traditional practice. He also said he has witnessed conservation officers threaten to arrest fisherman who tried to use *talaya*. He said there has to be a balance between the regulatory aspect and sustainment cultural traditional fishing practices. He added that he is working with Mr. Gutierrez to find this.
- Senator Won Pat asked for clarification about prior testimony relative to migrants in which statements were made about activities practiced that cause negative impacts or for profit. She stated that these activities are not limited to just immigrants, and that sometimes people are blind to the draw of the dollar. Senator Won Pat said she believes in the protection our resources for future generations and while there has to be a balance, it cannot be at the expense of the resources of our island.
- Mr. Rosario responded that the local fishermen are ambassadors of the ocean and they know the local laws and want to protect resources, but migrants may be ignorant of the regulations and restrictions, and continue to practice what they do in their native homelands contrary to local law.
- Mr. S. Kasperbauer sought clarification on the parameters of the bill, and whether it will establish more marine preserves. Vice Speaker Brown explained that the language will add to current law, and will not add more preserves.
- Mr. Gutierrez provided phone numbers for public information: 735-3955/56 Department of Agriculture administration and 735-3989 for the enforcement division.
- Vice Speaker Brown addressed Mr. Shida's concerns and stated that nighttime spearfishing is an issue that has been brought to her attention. She stated that she is open to this discussion and potential legislation.

IV. CONCLUSION:

Vice Speaker Brown informed the public that testimony would still be accepted 10-days from the date of the public hearing and it can be submitted to the committee via facsimile, hand-delivery or email: jmbrown@eccomm.com.

The hearing was adjourned at 11:15 a.m.

V. FINDINGS AND RECOMMENDATION:

The Committee on Natural Resources, Utilities & Micronesia Affairs held mark-up meetings subsequent to the public hearing to address and rectify aforementioned concerns.

Therefore, the Committee on Natural Resources, Utilities & Micronesian Affairs to which was referred **Bill No. 228 (EC)** "An act relative to adding new definitions to Section 63101 of Chapter 63, Division 6 of Title 5 Guam Code Annotated and to add new Subsections 63116.1 and 63116.2 to Section 63116 Chapter 63, Division 6 of Title 5 Guam Code Annotated and to amend Sections 63129 Section 63601 of Chapter 63, Division 6 of Title 5 Guam Code Annotated to expand the protection of Guam's marine resources," does hereby submit its findings to *I Mina Bente Ocho Na Liheslaturan Guahan* **TO DO PASS as substituted.**

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

**COMMITTEE ON NATURAL RESOURCES, UTILITIES &
MICRONESIAN AFFAIRS**

**VICE SPEAKER JOANNE M.S. BROWN
CHAIRWOMAN**

Public Hearing
Friday, December 9, 2005
9:00 a.m., Public Hearing Room
155 Hesler Street, Hagåtña

AGENDA

I. Commencement of Hearing

II. Public Hearing on Bill No. 228(EC)

"AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS 63129 SECTION 63601 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES."

III. Public Comments

IV. Adjournment

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 228 (FC)

Introduced by:

J.M.S. Brown

J. T. Won Pat

AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS 63129 SECTION 63601 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent: *I Liheslatura* finds that the

3 protection of the significant aquatic and natural resources of Guam's marine

4 environment will be for the benefit of present and future generations.

5 Throughout the years, statutes have been put in place to attempt to achieve a

6 comprehensive management, protection and conservation plan to enhance

7 our island's natural and cultural marine heritage, and the ecologically and

8 economically sustainable use of the marine environment for future

1 generations. This is in line with the intent of Presidential Executive Order
2 13158, and the national establishment of Marine Protected Areas

3 *I Liheslatura* further finds that Public Law 24-21 established marine
4 preserves as a proactive approach to protect our island's marine habitats and
5 ecosystem to allow the fish stock and other marine life to continue to thrive in
6 our islands surrounding waters. *I Liheslatura* also finds that to augment the
7 Department of Agriculture's ability to regulate activities which may
8 negatively impact the health and welfare of marine preserves' species and
9 habitat, Public Law 27-87 mandated the Department of Agriculture to
10 promulgate rules and regulations pursuant to the Administrative
11 Adjudication Act to establish an eco-permitting system.

12 Therefore, it is the intent of *I Liheslatura* to continue its actions of
13 proactive protection of the vital resources of the established marine preserves
14 and to strengthen the regulatory authority of the Department of Agriculture
15 to benefit current and future generations.

16 **Section 2 Adding New Definitions to Section 63101, Chapter 63**
17 **Division 6 Title 5 G.C.A.:** Section 63101. Definitions. As used in this
18 Article:

- 19 (a) Angling means taking of aquatic animal life with a hook;
20 (b) Firearm means any weapon, the operating force of which is an
21 explosive. This definition includes pistols, revolvers, rifles, shotguns,
22 machine guns, automatic rifles, noxious gas projectors, mortars, bombs,

1 cannons and submachine guns. The specific mention of certain weapons
2 does not exclude from the definition other weapons operated by
3 explosives;

4 (c) Fish means any aquatic animal life, including but not limited to oysters,
5 clams, mollusks, mussels, crustaceans, and other shellfish;

6 (d) Fish Weir means an apparatus for catching fish, consisting of a pocket or
7 trap, with one or more wings or leaders, or both. Any reference to a fish
8 weir in this Article includes any part or component thereof, including
9 any pole, support, net, brush, wire, mesh, rope, or other item or
10 material. For the purpose of this Article, there are two types of fish
11 weirs:

12 (1) main weir means the central pocket or trap of any fish weir and its
13 leader (main entrance) and wings (side entrance); and

14 (2) Auxiliary weir means any supplementary trap or pocket and its
15 leader and wings which are attached to the leader or wings of a
16 main weir;

17 (e) Game means all native or introduced species of wild birds and wild or
18 feral animals;

19 (f) Snagging means fishing in a manner with jerking motions with hooks
20 and line in an attempt to pierce the body of the fish externally;

21 (g) Take means hunt, pursue, catch, capture, angle, seize, kill, trap, harm,
22 shoot in any way or by any agency or device; every attempt to do such

1 acts or to assist any other person in the doing of or the attempt to do
2 such acts;

3 (h) Traditional Fishing Methods means subsistence-level cultural fishing
4 practices in which the catch is not marketed, but rather is shared within
5 the family or community for purposes of home consumption.
6 Traditional methods most commonly include, but are not necessarily
7 limited to:

- 8 (1) cast net (talaya),
- 9 (2) drag net/seine (chinchulon mahala)
- 10 (3) surround net (chinchulon umesugon)
- 11 (4) trap net (chinchulon managam)
- 12 (5) butterfly net (chinchulon ababang), and
- 13 (6) lalago.

14 (i) Vehicle includes every description of carriage or other contrivance
15 used, or capable of being used, as means of transportation on, below, or
16 above the land, including boat trailers, but does not include aircraft;

17 (j) Vessel includes every description of watercraft or other contrivance
18 used, or capable of being used, as means of transportation in water; and

19 (k) Waters of Guam means that area of shore and waters seaward of the
20 mean high water line (mark) to the outermost limits of Guam's exclusive
21 economic zone as provided by 1 GCA §402(a).

22

- 1 (l) Aquatic Life- is defined to include all aquatic animals and aquatic
2 plants.
- 3 (m) Coral - any live or dead member of the Phylum Cnidaria that form
4 calcareous skeletons, spicules, or sclerites (including soft and hard corals
5 both hermatypic and ahermatypic) or exist as sessile, solitary, or colonial
6 polyps. Those members include but are not limited to all stony corals
7 (Scleractinia), fire corals (Milleporina), hydrocorals (Stylasterina), soft
8 corals (Alcyonacea), blue corals (Coenothecalia), organpipe corals and
9 relatives (Stononifera) sea fans (Gorgonacea), black corals
10 (Antipatharia), and sea anemones (Order Actinaria, Ceriantharia, and
11 Zoanthidea).
- 12 (n) Marine Preserve- is defined as a delineated area in which certain
13 activities or uses are permanently restricted or prohibited.
- 14 (o) Mangroves- are defined as woody species to include but not limited to
15 species in the family Rhizophoraceae.
- 16 (p) Rock- is defined as any hard material larger than sand size grains made
17 from a mineral or petrified mass including but not limited to coral
18 skeleton that has been weathered to form limestone.
- 19 (q) Resource- is defined as any non-living, or living entity.
- 20 (r) Sand- is defined as any loose grainy non-living material formed from
21 the erosion of rocks, skeletal material and/or calcium carbonate
22 formations.

- 1 (s) Seagrass- is defined as any species of marine angiosperms (flowering
2 plants) to include but not limited to species in the families
3 Hydrocharitaceae and Potamogetonaceae.
- 4 (t) Manahac- is defined as fish within the family Siganidae (Rabbitfishes)
5 that are 3 inches or smaller when measured from the tip of the snout or
6 jaw to the rear center edge or fork of the tail (fork length).
- 7 (u) Juvenile Jacks (E'e')- is defined as fish within the family Carangidae
8 (Jacks) that are 8 inches or smaller when measured from the tip of the
9 snout or jaw to the rear center edge or fork of the tail (fork length).
- 10 (v) Juvenile Goatfish ('Tiao')- is defined as fish within the family Mullidae
11 (Goatfishes) that are 4 inches or smaller when measured from the tip of
12 the snout or jaw to the rear center edge or fork of the tail (fork length).

13 **Section 2. An act to add §63116.1 to Section 63116, Chapter 63,**
14 **Division 6 Title 5 Guam Code Annotated.**

15 Section 63116.1. Purpose of Marine Preserves. The purpose of the marine
16 preserve is to protect, preserve, manage, and conserve aquatic life, habitat,
17 and marine communities and ecosystems, and to ensure the health, the
18 welfare, and the integrity of marine resources and qualities for current and
19 future generations by managing, regulating, restricting, or prohibiting
20 activities to include but not limited to fishing, development, or human uses.

21 **Section 3. An act to add §63116.2 to Section 63116, Chapter 63,**
22 **Division 6 Title 5 Guam Code Annotated.**

1 Section 63116.2. Activities within Marine Preserves: All forms of fishing, and
2 the taking or altering of aquatic life, living or dead coral, and any resources to
3 include but not limited to mangroves, seagrass, sand, and rocks within a
4 preserve is unlawful except as specifically identified as allowable by the
5 Department of Agriculture through regulations.

6 **Section 4. Section 63129 is here by amended to read as follows:**

7 Section 63129. Penalty: Any person violating §63104, §63105, §63106, §63107,
8 or §63108 of this Article is guilty of a felony punishable by imprisonment of
9 not more than five (5) years, or by a fine of not less than Five Hundred Dollars
10 (\$500), nor more than Five Thousand Dollars (\$5,000), or by both. Any person
11 violating §63606.1 or §63606.2 of this Chapter shall be guilty of a felony, and
12 upon conviction thereof may be imprisoned for not more than five (5) years,
13 or fined not more than One Hundred Thousand Dollars (\$100,000), or both. A
14 violation of any other provision of this Article or its supporting regulations
15 shall be guilty of a misdemeanor, and upon conviction thereof, shall be
16 punishable by a fine of not less than Fifty Dollars (\$50), nor more than Five
17 Hundred Dollars (\$500), or by imprisonment of not more than ninety (90)
18 days, or by both fine and imprisonment. In addition, all pelagic drift nets or
19 their components, equipment for their manufacture, containers for such nets,
20 fish or fish products gathered through the use of a pelagic drift net, and all
21 conveyances including aircraft, vehicles and vessels used for their transport
22 shall be subject to forfeiture, and may be seized by the Governor under

1 process issued by the Superior Court except that such seizure without such
2 process may be made when the seizure is incidental to an arrest or a search
3 pursuant to a search warrant, or as provided by §63128 of this Article.

4 **Section 5. Section 63601 is hereby amended to read the following:**

5 Section §63601. Taking of Coral Unlawful. It shall be unlawful to remove
6 coral from the area surrounding the Island of Guam extending Ten (10) meters
7 inland from the main high tide line then seaward within the waters of Guam,
8 except in accordance with this Article.

Final
3/24/06

3rd
3/24/06



3/24/06
without engrossment

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 228 (EC)

*As substituted by the Committee on
Natural Resources, Utilities & Micronesian Affairs*

Introduced by:

J.M.S. Brown

J. T. Won Pat

AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS ~~63129 SECTION~~ AND 63601, AND TO ADD SECTION 63132 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent:** *I Liheslatura* finds that the
3 protection of the significant aquatic and natural resources of Guam's marine
4 environment will be for the benefit of present and future generations.

5 Throughout the years, statutes have been put in place to attempt to achieve a
6 comprehensive management, protection and conservation plan to enhance
7 our island's natural and cultural marine heritage, and the ecologically and

1 economically sustainable use of the marine environment for future
2 generations. This is in line with the intent of Presidential Executive Order
3 13158, and the national establishment of Marine Protected Areas.

4 *I Liheslatura* further finds that Public Law 24-21 established marine
5 preserves as a proactive approach to protect our island's marine habitats and
6 ecosystem to allow the fish stock and other marine life to continue to thrive in
7 our islands surrounding waters. *I Liheslatura* also finds that to augment the
8 Department of Agriculture's ability to regulate activities which may
9 negatively impact the health and welfare of marine preserves' species and
10 habitat, Public Law 27-87 mandated the Department of Agriculture to
11 promulgate rules and regulations pursuant to the Administrative
12 Adjudication Act to establish an eco-permitting system.

13 Therefore, it is the intent of *I Liheslatura* to continue its actions of
14 proactive protection of the vital resources of the established marine preserves
15 and to strengthen the regulatory authority of the Department of Agriculture
16 to benefit current and future generations.

17 **Section 2 Adding New Definitions to Section 63101, Chapter 63**
18 **Division 6 Title 5 G.C.A.:** Section 63101. Definitions. As used in this
19 Article:

20 (a) Altering – ~~means~~ to change, damage, impact, break, remove, relocate, or
21 harm resulting from activities to include but not limited

- 1 to construction, drilling, trenching, mechanical equipment, and
2 development.
- 3 (b) Angling ~~= means~~ taking of aquatic animal life with a hook;
- 4 (c) Aquatic Life- ~~is defined to~~ includes all aquatic animals and aquatic
5 plants.
- 6 (d) Coral – any live or dead member or part thereof of the Phylum Cnidaria
7 that form calcareous skeletons, spicules, or sclerites (including soft and
8 hard corals both hermatypic and ahermatypic) or exist as sessile,
9 solitary, or colonial polyps. Those members include but are not limited
10 to all stony corals (Scleractinia), fire corals (Milleporina), hydrocorals
11 (Stylasterina), soft corals (Alcyonacea), blue corals (Coenothecalia),
12 organpipe corals and relatives (Stononifera) sea fans (Gorgonacea),
13 black corals (Antipatharia), and sea anemones (Order Actinaria,
14 Ceriantharia, and Zoanthidea).
- 15 (e) Firearm ~~= means~~ any weapon, the operating force of which is an
16 explosive. This definition includes pistols, revolvers, rifles, shotguns,
17 machine guns, automatic rifles, noxious gas projectors, mortars, bombs,
18 cannons, ~~and~~ submachine guns, powerheads, and bangsticks. The
19 specific mention of certain weapons does not exclude from the
20 definition other weapons operated by explosives;

- 1 (f) Fish = ~~means~~ any aquatic animal life, including but not limited to
2 oysters, clams, mollusks, mussels, crustaceans, ~~and~~ other shellfish, and
3 coral;
- 4 (g) Fish Weir = ~~means~~ an apparatus for catching fish, consisting of a pocket
5 or trap, with one or more wings or leaders, or both. Any reference to a
6 fish weir in this Article includes any part or component thereof,
7 including any pole, support, net, brush, wire, mesh, rope, or other item
8 or material. For the purpose of this Article, there are two types of fish
9 weirs:
- 10 (1) main weir means the central pocket or trap of any fish weir and its
11 leader (main entrance) and wings (side entrance); and
- 12 (2) Auxiliary weir means any supplementary trap or pocket and its
13 leader and wings which are attached to the leader or wings of a
14 main weir;
- 15 (h) Game = ~~means~~ all native or introduced species of wild birds and wild or
16 feral animals;
- 17 (i) Juvenile Goatfish (~~Tiaə~~) (*Ti'áo*)- is defined as fish within the family
18 Mullidae (Goatfishes) that are four (4) inches (100 mm) or smaller when
19 measured from the tip of the snout or jaw to the rear center edge or fork
20 of the tail (fork length).
- 21 (j) Juvenile Jacks (~~E'e'~~) (*I'e'*)- is defined as fish within the family
22 Carangidae (Jacks) that are ~~8~~ four (4) inches (100 mm) or smaller when

- 1 measured from the tip of the snout or jaw to the rear center edge or fork
2 of the tail (fork length).
- 3 (k) ~~Manahae~~-Juvenile Rabbitfish (*Mañâhak*)- - is defined as fish within the
4 family Siganidae (Rabbitfishes) that are three (3) inches (76 mm) or
5 smaller when measured from the tip of the snout or jaw to the rear
6 center edge or fork of the tail (fork length).
- 7 (l) Mangroves- are defined as ~~woody species~~ plants growing in soils with a
8 high salt content and/or possess a well-developed system of conducting
9 tissue to transport water, mineral salts, and sugars that occur in
10 estuarine-tidal flat areas to include but not limited to species in the
11 family Rhizophoraceae.
- 12 (m) Marine Preserve- is defined as a delineated area in which certain
13 activities or uses are permanently restricted or prohibited.
- 14 (n) Resource- is defined as any non-living, or living entity.
- 15 (o) Rock- is defined as any hard material larger than sand size grains made
16 from a mineral or petrified mass including but not limited to coral
17 skeleton that has been weathered to form limestone.
- 18 (p) Sand- is defined as any loose grainy non-living material formed from
19 the erosion of rocks, skeletal material and/or calcium carbonate
20 formations.

1 (q) Seagrass- is defined as any species of marine angiosperms (flowering
2 plants) to include but not limited to species in the families
3 Hydrocharitaceae and Potamogetonaceae.

4

5 (r) Snagging - is defined as fishing in a manner with jerking motions with
6 hooks and line in an attempt to pierce the body of the fish externally;

7 (s) Take - is defined as ~~means~~ hunt, pursue, catch, capture, angle, seize, kill,
8 trap, harm, shoot in any way or by any agency or device; every attempt
9 to do such acts or to assist any other person in the doing of or the
10 attempt to do such acts;

11 (t) Traditional Fishing Methods - is defined as ~~means~~ subsistence-level
12 cultural fishing practices in which the catch is not marketed, but rather
13 is shared within the family or community for purposes of home
14 consumption. Traditional methods most commonly include, but are not
15 necessarily limited to:

16 (1) cast net (~~talaya~~), (*talâya*),

17 (2) drag net/seine (~~chinchulon mahala~~) (*chenchulon ma hålla*),

18 (3) surround net (~~chinchulon umesugon~~) (*chenchulon ma sugon*),

19 (4) trap net (~~chinchulon managam~~) (*chenchulon ma mongle*),

20 (5) butterfly net (~~chinchulon ababang~~), (*chenchulon ababbang*), and

21 (~~6~~) *lalage*

- 1 (u) Vehicle is defined as ~~includes~~ including every description of carriage
2 or other contrivance used, or capable of being used, as means of
3 transportation on, below, or above the land, including boat trailers, but
4 does not include aircraft;
- 5 (v) Vessel is defined as ~~includes~~ including every description of watercraft
6 or other contrivance used, or capable of being used, as means of
7 transportation in water; and
- 8 (w) Waters of Guam is defined as ~~means~~ that area of shore and waters
9 seaward of the mean high water line (mark) to the outermost limits of
10 Guam's exclusive economic zone as provided by 1 GCA §402(a).

11

12 ~~Section 2.~~ **Section 3. An act to add §63116.1 to Section 63116, Chapter**
13 **63, Division 6 Title 5 Guam Code Annotated.**

14 Section 63116.1. Purpose of Marine Preserves. The purpose of the marine
15 preserve is to protect, preserve, manage, and conserve aquatic life, habitat,
16 and marine communities and ecosystems, and to ensure the health, the
17 welfare, and the integrity of marine resources and qualities for current and
18 future generations by managing, regulating, restricting, or prohibiting
19 activities to include but not limited to fishing, development, or human uses.

20 ~~Section 3.~~ **Section 4. An act to add §63116.2 to Section 63116, Chapter**
21 **63, Division 6 Title 5 Guam Code Annotated.**

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 208

JMB

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 8 line 5 Delete "Department" & replace
with "Director"

(Below only for Clerk of Legislature's use and processing))

Date 3/24, 2006

Floor Amendment No. 2 of a total of changes on above Bill.

Votes For Amendment: Votes Against Amendment:

AMENDMENT PASSED:

Amendment Failed:

Amendment Withdrawn:

APPROVED AS TO FORM PASSED

JMB
AUTHOR OF AMENDMENT

Concur (initial)

JMB
Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff

1 shall be subject to forfeiture, and may be seized by the Governor under
2 process issued by the Superior Court except that such seizure without such
3 process may be made when the seizure is incidental to an arrest or a search
4 pursuant to a search warrant, or as provided by §63128 of this Article.

5 **Section 6.** Section 5. Section 63601 is hereby amended to read the
6 following:

7 ~~Section §63601. Taking of Coral Unlawful. It shall be unlawful to remove,
8 relocate, or transplant coral from the area surrounding the Island of Guam
9 extending Ten (10) meters inland from the main mean high tide line then
10 seaward within the waters of Guam without written approval from the
11 Director of the Department of Agriculture, except in accordance with this
12 Article. This approval will generally be limited to scientific or educational
13 purposes.~~

14 **Section 7.6.** An act to add §63132 to Chapter 63, Division 6 Title 5
15 Guam Code Annotated.

16 **Section 63132.** Any and all references in Guam statute and regulations
17 modified by Section 2 herein shall be modified in accordance with Section 2 to
18 reflect the updated Chamorro spelling therein.

1 Section 63116.2. Activities within Marine Preserves: All forms of fishing, and
2 the taking or altering of aquatic life, living or dead coral, and any resources to
3 include but not limited to mangroves, seagrass, sand, and rocks within a
4 preserve is unlawful except as specifically identified as allowable by the
5 Department of Agriculture through regulations.

6 **Section 4. Section 5. Section 63129 is here by amended to read as**
7 **follows:**

8 ~~Section 63129. Penalty: Any person violating §63104, §63105, §63106, §63107,~~
9 ~~or §63108 of this Article is guilty of a felony punishable by imprisonment of~~
10 ~~not more than five (5) years, or by a fine of not less than Five Hundred Dollars~~
11 ~~(\$500), nor more than Five Thousand Dollars (\$5,000), or by both. Any person~~
12 ~~violating §63606.1 or §63606.2 of this Chapter shall be guilty of a felony, and~~
13 ~~upon conviction thereof may be imprisoned for not more than five (5) years,~~
14 ~~or fined not more than One Hundred Thousand Dollars (\$100,000), or both. A~~
15 ~~violation of any other provision of this Article or its supporting regulations~~
16 ~~shall be guilty of a misdemeanor, and upon conviction thereof, shall be~~
17 ~~punishable by a fine of not less than Fifty Dollars (\$50), nor more than Five~~
18 ~~Hundred Dollars (\$500), or by imprisonment of not more than ninety (90)~~
19 ~~days, or by both fine and imprisonment. In addition, all pelagic drift nets or~~
20 ~~their components, equipment for their manufacture, containers for such nets,~~
21 ~~fish or fish products gathered through the use of a pelagic drift net, and all~~
22 ~~conveyances including aircraft, vehicles and vessels used for their transport~~

Passed FA No. 1

Date: 3/24 Time: 2:47P

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 228

LFK

Senator Proposing Amendment

p. 9. lines 5-13

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Delete Section 5 and renumber remaining sections.

(Below only for Clerk of Legislature's use and processing))

Date 3/24, 2006

Floor Amendment No. 1 of a total of changes on above Bill.

Votes For Amendment: Votes Against Amendment:

AMENDMENT PASSED: ✓

Amendment Failed:

Amendment Withdrawn:

APPROVED AS TO FORM PASSED

LFK
AUTHOR OF AMENDMENT

Concur *(initial)*

Clerk of Legislature

Speaker

 Ass't. Amend. Clerk
 Engrossment Staff

I Mina Bente Ocho Na Liheslaturan Guahån

COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS

Friday, December 09, 2005; 9:00 a.m.

Legislative Public Hearing Room

Public Hearing

Bill No. 228 (EC) "AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS 63129 SECTION 63601 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES."

SIGN IN SHEET

<i>Name</i>	<i>Representing</i>	<i>Contact number</i>
PAUL BASSLER	Dept of AGRICULTURE	734-3942
MANNY DUBIAS	GUAM FISHING COOP	472-6323
Jay Gutierrez	Dept Agriculture	735-3955
Robert Wescow	Navy	339-2349
Trina Lebara	Member of the Public	789-1232
Evangeline Lujan	Guam Coastal Management Program	
Steven Kasperbauer	Resident, Alongmy Beach Club	868-5381

I Mina Bente Ocho Na Liheslaturan Guahån

COMMITTEE ON NATURAL RESOURCES, UTILITIES & MICRONESIAN AFFAIRS

Friday, December 09, 2005; 9:00 a.m.

Legislative Public Hearing Room

Public Hearing

Bill No. 228 (EC) "AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS 63129 SECTION 63601 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES."

SIGN IN SHEET

Name	Representing	Contact number
- Jose U. GARRIDO	Malactaite.net Chamoru Fishing Tradition and Self	682-7968 475-6294/95
- Jesse P. ROSARIO	Fisherman / Advisory Panel Member	472-1108
RITA FRANQUEZ	myself	4
PAUL SHIDA	GUAM PAUL'S DIVING	679-6482

AUTOMOTIVE

Lexus IS300 '02 Blk. 32K MI, New Paint, 1766, Brakes, Great Cond. \$29,900obo 888-3832/648-6807

Lexus LS 400 1900 48,000 miles, New Brakes, New Tires, Nice car \$18,500 Call 888-3344

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MAZDA MPV VAN '01, AT, AC FULLY LOADED, \$6,500 CALL 727-5546

Mazda Protege 2000 4dr, Auto, AC, Great condition \$4,800 OBO Call 466-8264

Mazda RX7 '04 3rd, GT pkg, Low mil, 7K mi., Per trying, Good, Ext. warranty, \$25K/695-7944

Mitsubishi Mirage 2001 4dr, Auto, AC, Great condition, \$4,800 Call: 645-8229

NIS 97 QUEST VAN AT AC PWR CLEAN GOOD COND \$4,900 632-8111 / 482-8886

Niss 94 Pick-up 5.0L Low mileage xrt body & engine, many high price engine parts. \$4800 obo 667-2614

Nissan 2002 Quest SE Van Great condition, only 16,300 miles. All the bells even VHS system. \$11,500 or OBO. Call 583-1870.

Nissan Frontier PU 2005 Excellent Cond. Clean, Low miles. \$23,000. 832-5837 or 734-4622

Nissan Maxima '93 4dr, ATAC, 71K miles, Well maintained, Nice & Clean, \$3,400obo 788-2454

Nissan Maxima '98 Fully loaded V6, AT, Good cond, \$4,900. 482-1857 or 647-8878 Pines

Nissan Pkg '94 AC, CD ply, AMP, Clean interior, Chrm Pkg, 3" drop. \$3,800 obo 789-5489 / 686-2727

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Nissan Sentra 2000 AT, AC, 4Dr, Power Windows \$5,900 OBO Good condition Call 888-5845

Nissan Sentra '95 AT, AC, CD ply, Non & Clean, Good cond. \$5K, Mag whs, \$3,800obo 646-4105

Nissan Sentra GXE '98 ATAC, 4Dr, Good Condition, Low Miles \$4,000 OBO Call 549-2422

Oldsmobile Bravada '92 V6 BUY AWD, w/c pwr win, Nix seat, good running cond. \$3500 687-8236

Scion XA '06 5K mls, Blue w/black interior & blue indoor neon. Must still lvg its stand 11K, obo 684-2038

Toy 4x4 1st Reg Cab 91 V8 Gd Pwr Cond 2700 obo 727-2402

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Toy Corolla LE '04 Sport Pkg, AT AC, Pwr Pkg, 15K Miles, Wrnry Xrt Cond. \$13.5K obo 633-1464

Toy Tacoma '97 4x4, AC, Lm/Hm, radio/cd, mag, whs, hv ml. \$8,300 1st ownr xrt cond. 689-0741

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TOYOTA CAMRY '97 4CYL, AT, AC, CD, GOOD CONDITION \$5500. Call AJ: 898-0471

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Toyota Camry '98 6dr Good running condition, AC \$5500 obo 483-1240/789-6700

Toyota Camry LE 2000 AT, AC, Power Pkg, Alloy wheels, 41K mi. \$9,500 OBO Call 482-1277

Toyota Corolla '95 AT Pwr windows, Good condition. \$3500 483-1240/789-6700

Toyota Corolla '96 4dr, AT, AC, CD, 17" Rims, Good condition, \$4,800 Call Dave @ 688-2404

TOYOTA PASEO '92 2dr std w/c AM/FM, Alloy wheels \$1,090 Call 587-0246 / 637-0188

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Magnan GPS \$170, Flood Hoker \$90, 8 gal tank \$35, 4770-4354 Vane

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118 Father Duenas Dr. Tamuning across Old C NO Early Starts 9e-11a

127 S Saturday 8a-9p E Heald Items, Furniture, Computer Hardware, 10 Pago Boy Estate Chulan Pago 780-8266

158 Bradley Pl. Angus behind Flamingo's Restaurant Yard Sale Starts @ 7am saturday only!

Aimee P'd Singapore S'ld Only 9-5 follow signs Everything Must Go! Videos, Video/Audio/Mania clothes Furniture, Steel Bunkbed, Christian Items, Comics, Computer & Etc. Cr

COMMUNITY YARD SALE
Sat 1/27 ONLY 9-10am @ Agri Community Center

Multi-family yard sale SAT 12:03 7a-12p Chls & many household items #12 Pvs Tr Mebio Barrigada Hts

Multi-family yard sale, brand name toys, kids clothes and misc items. 123 Agri Blvd, main entrance to Ypao Ypao Estates. 6-12noon Sat only 12:03

Multi-Fam Yrd Sale Sat/Sun 3rd/4th 7am-12pm Clothing, Heald, Misc. 108 Billa Ct Agaña Heald in intersection next to Flery

Multi-Fam Yrd Sale Sat/Sun 3rd/4th 7am-12pm clothing misc heald 881 Marine Pl Chulan Pigo

Multiple Family Sale, Sat Dec 9rd, 7AM-12:00 Chulan Agri blvm Golf course BACTS Machine Daddo

SAT 1/27 7am-12pm Acra Agri Cemetery Multi-family, Sofa, household goods, etc. 646-7884

SATURDAY 12:03 8AM-12:00ON 10a On Conajo Place, BARRIGADA BEHIND CROWN MARKET

Yard Sale Tamuning behind Elite Bakery Saturday, Dec. 3rd from 7am-12pm Misc. Items

Yard Sale Ypao Plaza Dec. Antiques, Collectibles, Plans 653-7836 Martin

156
9
11th Street, Thursday, December 1, 2005 guampda.com

Guam Public School System
Division of Special Education

Is looking for qualified attorneys who are interested in serving as Hearing Officers.

A Hearing Officer is responsible for conducting an impartial hearing initiated by parents of a child receiving special education services. Potential Hearing Officers must attend a four day training to prepare for this role.

Interested individuals may send a resume with a letter of interest to Fax 475-0652 / Attn: Jonas Dorego, Compliance Officer or call 475-0692.

This advertisement is 100% federally funded by the Individuals with Disabilities Education Act (IDEA) Part B.

Reporter
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Responsible for gathering accurate, timely information and writing stories on topics, people, events and other matters as assigned by editors. Excellent writing grammar and punctuation skills required. Experience preferred and bachelor's degree in journalism or related field required.

If interested, please submit application and/or resume to *Kiandry Cotes Limtiaco, Executive Editor* or *Edna Nery, Human Resources Director*.

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Federal law requires that employers list job legally entitled to employment in the U.S.
We comply with this law on our non-discriminatory basis.
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- Provide support and administrative function to perform and organize daily operation of Medical Sales Team.
- Assist Sales Executive in Bid Preparation; prepare proposals and price quotations for customers; prepare follow-up letters, emails, and other communications to various suppliers/vendors; in-charge of product/supplier sourcing, maintain suppliers' and customers' file; and perform additional duties as required.
- Must possess Computer skills: Word processing, spreadsheets, internet, and database; writing, grammatical, spelling and proofreading skills; organizational skills in order to handle multiple priorities; negotiating skills in dealing w/ suppliers/vendors; detail oriented; time management skills; interpersonal and communication skills.

Bachelor's degree in marketing, business administration, communications, or other related field. Open to newly graduates with excellent writing and communication skills.

SEND RESUME AT : HUMAN RESOURCES
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OR Email to: jayfustanillo@jmihealth.com

Assistant District Sales Manager
(Part-time)

The Assistant Home Delivery Sales Manager delivers replacement papers to subscribers and fills in for carriers as needed; helps recruit and train carriers; works to re-sell customers who have stopped their subscriptions and collect from those who have not paid. The successful candidate may also conduct customer service checks and deliver promotional brochures to customers. This is a part-time position that may require 7 days of work.

Applicants must be a high school graduate, able to work flexible hours seven days a week or as scheduled, own reliable transportation, and able to work under pressure.

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(Part-time)

Primary responsibility is to deliver newspapers to carriers and stores. Must have dependable transportation, a valid driver's license, current vehicle registration and insurance. Ability to work late night shifts and flexible hours is essential.

If interested, please submit application to *Henry Wood, Circulation Director* or *Edna Nery, Human Resources Director*.

Application forms may be picked up at the

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Federal law requires that employers list job legally entitled to employment in the U.S.
We comply with this law on our non-discriminatory basis.
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MINA BENTE OCHO NA LIHESLATURAN GUAHAN
Committee on Natural Resources, Utilities & Micronesian Affairs
Vice Speaker *Joanne M.S. Brown*
Chairwoman

The Committee on Natural Resources, Utilities & Micronesian Affairs will hold a public hearing on Friday, December 9, 2005, 9:00 a.m., in the Legislative Building Public Hearing Room in Hagåtña, on the following:

Bill 228(C): AN ACT TO RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 6311H OF CHAPTER 63, DIVISION 6 OF TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW SUBSECTIONS 6311A.1 AND 6311A.2 TO SECTION 6311A CHAPTER 63 DIVISION 6 OF TITLE 5, GUAM CODE ANNOTATED, AND TO AMEND SECTIONS 6312, SECTION 6349 OF CHAPTER 63, DIVISION 6 OF TITLE 5, GUAM CODE ANNOTATED, TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES.

Individuals requiring special accommodations should contact: *Carl Quibran A.B.A. Coordinator* at 475-3436

MAID FOR WITH GOVERNMENT FUNDS

GOVERNMENT OF GUAM
BEFORE THE COMMISSIONER OF BANKING & INSURANCE
CGU International Insurance PLC
Petitioner

In the Matter of the Application for Withdrawal and to Permanently Discontinue the Transaction of Insurance Business In Guam pursuant to Title 22 GCS §15113

NOTICE OF INTENTION TO WITHDRAW

Notice is hereby given that CGU International Insurance PLC of the United Kingdom, whose address is:

1 Undershaft
London EC3P EDQ
UK

Intends to Withdraw and to Permanently Discontinue the Transaction of Insurance Business in Guam.

All persons interested in this matter should write to The Company at the above address Or call the Office of The Commissioner of Banking and Insurance at Hagåtña, Guam (671) 475-1843/4/5.

Private/VIP
**Flight Attendants
 Needed**

ACI Pacific has openings for
Flight Attendants
 serve on their private charter aircrafts

ideal candidate will be customer service
 oriented, friendly, well organized, meticulous,
 possess a sense of style, be familiar with
 national culinary customs, and have previous
 experience in the service industry.

Must be fluent in Japanese

Offers an excellent compensation and
 benefits package

Contact Elsie Quenga
 +1 (671) 477-0179 ext 132
 equenga@flyaci.com



ACI Pacific is an E.E.O. Employer

GENERAL ORDER

No. 00-00014
 The "Pacific Daily News", a newspaper of general circulation published in Hagatna, Guam, is designated the official newspaper of the court. Unless otherwise provided by order, every notice required to be published shall be published in the "Pacific Daily News."
 District Court of Guam • Territory of Guam
 Filed Sept. 29, 2000

LEGAL SECRETARY

The law firm of Mair, Mair, Spade & Thompson is seeking a detailed and experienced secretary. Some college credit and telecommunication experience are big pluses.

Duties, skills and abilities required include:

General office practices and procedures; Effective time management; Independently prepare correspondence and memorandum; Operate standard office equipment including transcriber, computer and job-related software; Communicate effectively, verbally and in writing; Typing legal documents and correspondence; Microsoft Word skills essential; Legal terminology and principles; and English grammar and punctuation.

Benefits include: Medical, Dental, Annual/Sick Leave, Paid Holidays, 401K and match bonus. Salary commensurate with experience.

Please deliver résumé to: June S. Mair at Mair, Mair, Spade & Thompson, 238 A.F.C. Flores Street, Suite 801, Pacific News Building, Hagåtña, Guam, 96910, or email to: JMair@mmstlaw.com; or fax to: Attn: June S. Mair at 477-5206



GUAM

ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY
 Aturidad Inadilantón Ikunumihan Yan Kumetsion Guahan

Felix Camacho
 Governor

Kaleo K.
 Lieutenant Governor

**REQUEST FOR PROPOSALS
 FOR WEBSITE DEVELOPMENT AND
 MAINTENANCE SERVICES
 RFP-06-001**

The Guam Economic Development and Commerce Authority (GEDCA) is requesting interested applicants to submit proposals for Website Development and Maintenance Services.

Request for Proposals (RFP) packages may be obtained at GEDCA, Suite 511, ITC Bldg., 590 S. Marine Corps Drive, Tamuning, Guam, between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. **Deadline for submission for all proposals is 4:00 p.m., Friday, December 23, 2005, Guam Standard Time.** All proposals must be received at the Administrator's Office.

For additional information, contact George Bamba at (671) 647-4332 or via fax (671) 649-4146.

/s/ Christina D. Garcia
 Acting Administrator

MINA BENTE OCHO NA LIHESLATURAN GUAHAN



**Committee on Natural Resources,
 Utilities & Micronesian Affairs
 Vice Speaker Joanne M.S. Brown
 Chairwoman**

The Committee on Natural Resources, Utilities & Micronesian Affairs will hold a public hearing on Friday, December 9, 2005, 9:00 a.m., in the Legislative Building Public Hearing Room in Hagatna, on the following:

Bill 228(EC): AN ACT TO RELATIVE TO ADDING NEW DEFINITIONSTO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63 DIVISION 6 OF TITLE 5, GUAM CODE ANNOTATED, AND TO AMEND SECTIONS 63129, SECTION 6360 OF CHAPTER 63, DIVISION 6 OF TITLE 5, GUAM CODE ANNOTATED, TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES.

*Individuals requiring special accommodations should contact
 Carl Quibatin A.D.A. Coordinator at 473-3450
 PAID FOR WITH GOVERNMENT FUNDS*

GUAM MEMORIAL HOSPITAL AUTHORITY

850 Gov. Carlos G. Camacho Road
 Tamuning, Guam 96913



BID INVITATION

IA Bid No.(s) 006-2006 LP Gas Refill

Submission Place/Date/Time/Opening Time:

Materials Management Department -
 Wednesday, December 21, 2005

GMHA 006-2006 must be submitted by 09:00 a.m.
 Opening Time 9:30 a.m.

Submission Place: GMHA Cafeteria Conference Room

**NEW MARINA HOTEL
 HAGATNA, GUAM**

Daily.....\$40
 Weekly.....\$200
 Monthly.....\$500
 (Includes AC, Tel., TV)

Big "PARTY" Room
 w/5 Bedrooms
 (kitchen, big screen TV, air con)
\$300 a day
 477-8833/888-8987

IN THE SUPERIOR
 COURT OF GUAM
 HAGÁTÑA, GUAM

IN THE MATTER
 OF THE ESTATE
 OF

Judy Hrus, Wednesday, December 7, 2005 guampdn.com

Bureau of Budget & Management Research
Fiscal Note of Bill No. 228 (EC)

D. SIGELW.
12/28/05
#10:4800

Bill Title (Preamble): AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS 63129 SECTION 63601 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES.

Department/Agency Appropriation Information	
Dept./Agency Affected: Agriculture	Dept./Agency Head: Paul Bassler
Department's General Fund (GF) appropriation(s) to date:	\$2,326,125
Dept's Other Fund appro. to date: <i>Guam Plant Inspection & Permit Fund \$40,000; Unreserved Fund Balance Fund \$49,000</i>	\$89,000
Total Department/Agency Appropriation(s) to date:	\$2,415,125

Fund Source Information of Proposed Appropriation			
	General Fund:	Other (specify):	Total:
FY 2006 Adopted Revenues	\$435,092,898	\$0	\$435,092,898
FY Appro. to P.L. 28-93	(\$435,092,898)	\$0	(\$435,092,898)
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 Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

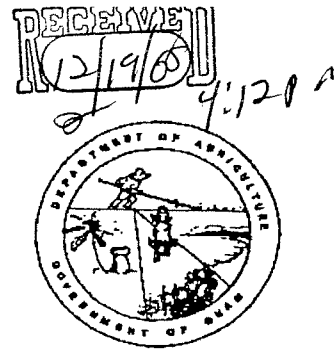
1. Does the bill contain "revenue generating" provisions? See Footnote 1/ / / Yes / / No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____
3. Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? See Footnote 1/ / / Yes /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: <u>M. Orta</u>	Date: <u>12/22/05</u>	Director: <u>Carlos P. Borfallo</u>	Date: <u>DEC 21 2005</u>
-------------------------	-----------------------	-------------------------------------	--------------------------

Footnotes: 1/ The proposed bill will establish the purpose and activities regarding the protection of Guam's marine resources. These include the addition of new definitions and additionally, the amendment of Section 63129 and 63601 of Chapter 63, Division 6 of 5 GCA. A fiscal impact is anticipated in carrying out the intent of the bill, which may include administrative and operational costs. Such costs will normally be absorbed by the annual budget of the department, or if insufficient, may be included in subsequent budget requests. Section 4 of the bill includes an amendment with regard to penalties for violations of certain provisions, however no changes in the fines are included. The proposed bill is in line with the intent of Presidential Executive Order 13158, and the national establishment of Marine Protected Areas, and additionally continues and furthers objectives as per Public Law 24-21 and Public Law 27-87 connected to marine preserves and an eco-permitting system.



Department of Agriculture
Dipattamenton Agrikottura
 163 Dairy Road, Mangilao, Guam 96913



Felix P. Camacho
 Governor

Kaleo S. Moylan
 Lt. Governor

Director's Office 734-3942/43; Fax 734-6569
 Agricultural Development Services 734-3946; 735-3946; 735-3950
 Plant Nursery 734-3949
 Aquatic & Wildlife Resources 735-3955/56; Fax 734-6570
 Forestry & Soil Resources 735-3949/51; Fax 734-0111
 Plant Inspection Station 475-1426/27; Fax 477-9487

Paul C. Bassler
 Director

Joseph D. Torres
 Deputy Director

December 19, 2005

MEMORANDUM

TO: Chairwoman, Committee on Natural Resources, Utilities & Micronesian Affairs, 28th Guam Legislature

FROM: Director, Department of Agriculture

SUBJECT: TESTIMONY IN SUPPORT OF BILL 228

The Department of Agriculture is submitting written testimony in support of Bill 228: a bill to expand the protection of Guam's marine preserves. Bill 228 is an important step towards the continued enhancement of Guam's five (5) marine preserves benefiting Guam's natural resources, community and economy.

Prior to the establishment of the marine preserves, the health of Guam's coral reefs and reef fish stocks were declining because of increased pressure on the marine environment resulting from land-based sources of pollution, such as sedimentation and storm water runoff (from factors as development and poor land management practices), recreational misuse and overuse, and fishing. Since the preserves have been established, Guam's coral reefs are healthier and reef fish stocks have increased within the preserves. Herbivorous fishes are more abundant, feeding on and preventing algae from smothering the reefs. The increase in fish life is evident not just from the studies conducted by the Department, but also from positive comments received from the community. There is a noticeable difference in the health of the reefs and fishes within a marine preserve compared to a non-preserve area.

The marine preserves have not only safeguarded against the decline of the Guam's marine reef ecosystem but have been beneficial to our economy. Considerable attention and publicity have been given to the preserves over the years from various agencies, businesses, and civic groups. These entities have promoted the preserves encouraging their use for the benefit of the economy and community. A number of companies have taken advantage of the diversity of life found in the marine preserves by establishing

diving and recreational businesses that utilize these assets for the enjoyment of tourists who visit Guam.

The community has also benefited from the success of the marine preserves. Many residents use and enjoy the preserves, especially during the weekends. The preserves have also been a valuable educational tool. School children have benefited by viewing first hand the many facets of that contained within the marine environment.

The marine preserves have definitely proven to be a valuable tool in helping restore Guam's coral reef ecosystems and fish stocks. Monitoring, enforcement, education and outreach, and community support have all played a role in the success of the preserves. Bill 228 will further enhance this success, further strengthening the protection of the marine preserves. Maintaining the biological integrity of the preserves is critical to the long-term recovery of the Guam's marine ecosystems. Without this, the delicate environment within the preserves would be compromised. I am sure you would agree that the community will only benefit from a healthy environment.

We support the passage of Bill 228 with some minor changes. The attachment has suggested changes to Bill 228 (the underlined words indicate the proposed changes/additions). These changes will further clarify the definitions within Section 63101, Chapter 63 Division 6 Title 5 G.C.A.

The Department looks forwards to the support of the Guam Legislature to continue promoting a healthy environment within the marine preserves for the future benefit of the community. We would like to extend our appreciation for the Legislature's efforts in the past to help our marine environment through the passage of Public Law 24-21, which created the marine preserve, and Public Law 27-87, which established the marine preserve eco-permitting system. We look forward to the passage of Bill 228.

Respectfully,


PAUL C. BASSLER

Attachment(s)

DEPARTMENT OF AGRICULTURE
DIVISION OF AQUATIC AND WILDLIEF RESOURCES
163 DAIRY ROAD,
MANGILAO, GUAM 96913

ATTACHMENT – Proposed Changes to Bill 228

Section 2 Adding New Definitions to Section 63101, Chapter 63 Division

6 Title 5 G.C.A.: Section 63101. Definitions. As used in this Article:

- (b) Firearm means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannons, submachine guns, powerheads, and bangsticks. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives;
- (c) Fish means any aquatic animal life, including but not limited to oysters, clams, mollusks, mussels, crustaceans, other shellfish, and coral.
- (m) Coral - any live or dead member or part thereof of the Phylum Cnidaria that form calcareous skeletons, spicules, or sclerites (including soft and hard corals both hermatypic and ahermatypic) or exist as sessile, solitary, or colonial polyps. Those members include but are not limited to all stony corals (Scleractinia), fire corals (Milleporina), hydrocorals (Hydrocorallina), soft corals (Alcyonacea), blue corals (Coenothecalia), organpipe corals and relatives (Stolonifera) sea fans (Gorgonacea), black corals (Antipatharia), and sea anemones (Order Actinaria, Ceriantharia, and Zoanthidea).
- (t) Manahac- is defined as fish within the family Siganidae (Rabbitfishes) that are 3 inches (100 mm) or smaller when measured from the tip of the snout or jaw to the rear center edge or fork of the tail (fork length).
- (u) Juvenile Jacks (E'e'e') - is defined as fish within the family Carangidae (Jacks) that are 4 inches (100 mm) or smaller when measured from the tip of the snout or jaw to the rear center edge or fork of the tail (fork length).

- (v) Juvenile Goatfish (Tiao')- is defined as fish within the family Mullidae (Goatfishes) that are 4 inches (100 mm) or smaller when measure from the tip of the snout or jaw to the rear center edge or fork of the tail (fork length).
- (w) Altering – means to change, damage, impact, break, remove, relocate, or harm resulting from activities to include but not limited to construction, drilling, trenching, mechanical equipment, and development.

Trina Leberer
P.O. Box 5411
Hagatna, Guam 96932

Comments on Bill No. 228 (EC)

Introduced by:

J.M.S. Brown
J. T. Won Pat

AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS 63129 SECTION 63601 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES.

Thank you for the opportunity to provide comments on Bill No. 228. As the former Acting Chief of the Division of Aquatic and Wildlife Resources and a concerned resident, I am in support of this Bill because it strengthens the ability of the Department of Agriculture to more effectively manage Guam's marine resources. I believe we all want the same thing: the sustainable use of healthy marine resources for ourselves and for future generations. Although the original statute clearly gave the Department of Agriculture regulatory authority to manage the islands natural resources, this bill will strengthen that regulatory authority by clarifying some previous definitions and specifically defining the purpose of and allowable activities within marine preserves on Guam.

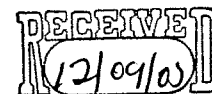
I have 2 comments on the text as written:

1. Under definition (u) Juvenile Jacks (E'e') - E'e are normally considered to be less than 4 inches in length and I would suggest this is a more reasonable maximum length than 8 inches.
2. Under Section §63601. Taking of Coral Unlawful. I suggest specifically stating that the transplanting or moving of coral is also prohibited without approval.

There have been significant increases in fish biomass and diversity within the marine preserves since their full implementation in January 2001. In that time there have also been a number of efforts to better regulate sources of coral reef habitat degradation, including the passing of Public Law 27-87 which created a marine preserve eco-permit for non-fishing activities, the passing of new soil and erosion control measures by Guam EPA, and the drafting of a Guam Seashore Reserve Plan that is currently being revised to incorporate comments from three well-attended stakeholder meetings in September and October of this year.

The marine preserves are one of many effective tools for restoring and maintaining the coral reef and fishery resources for the people of Guam and this bill will strengthen the ability of the Department of Agriculture to use this tool in the most effective way.

fax



3:23 pm

JESSE B. ROSARIO
P.O. Box 26140
GMF, Guam 96921
jrosario@uog9.uog.edu
(671) 472-1108

December 9, 2005

Senator Joann M.S. Brown
Vice Speaker
Chairwoman
Committee on Natural Resources, Utilities & Micronesian Affairs
I MINA'BENTE OCHO NA LIHESLATURAN GUAHAN

Re: Public Hearing on Bill 228 (EC)

Dear Madam Chairwoman,

Buenas yan hafa adai! Reference to Public Hearing on Bill 228 (EC), December 9, 2005, FOR THE RECORD, I WANT TO WITHDRAW MY POSITION OF "NOT IN FAVOR OF BILL 228 (EC) AND CHANGE MY POSITION TO "SUPPORTING BILL 228 (EC)" from my opening testimony this morning. The reason for changing my decision is my conversation with Mr. Manny Duenas, President, Guam Fishermen Cooperative Association (GFCA) and Mr. Jay Gutierrez, Department of Aquatic and Wildlife, DOA who defined the purpose of Bill 228 which is to promulgate the penalties and fines of illegal use of modern chemical or explosive on our oceans/bays. Individuals who willingly destroys our natural resources, land and seas, which provides valuable resources and subsistence to our food source and to our everyday living should be punish to the extend of the laws.

I will provide a copy of my change of position on Bill 228 (EC) to Mr. Duenas and Mr. Gutierrez for their records.

Undankulu na yu'us ma'ase for the opportunity to present to the member of the committee of Natural Resources, Utilities and Micronesian Affairs my testimony on Bill 228. Have a wonderful Christmas Holiday and a Joyous New Year.

Sincerely,

JESSE B. ROSARIO
Fisherman/Advisory Council Member.
WPRFMC

Cc:
Mr. Duenas, GFCA
Mr. Gutierrez, DAWL

Testimony on Bill No. 228

Good Morning, My name is Evangeline Lujan, Administrator for the Guam Coastal Management Program and the Point of Contact for Guam for the Coral Reef Initiative. Thank you for the opportunity to testify in favor of Bill 228.

The Guam Coastal Management Program continues to support the effort of the Department of Agriculture's to strengthen the management of Guam's Marine Preserves Areas and expand the protection of Guam's Marine Resources. Guam has identified five priority areas as threats to Guam's reefs. They include Land Sources of Pollution, Fisheries Management, Recreational Use and Overuse, Lack of Public Education and Outreach and Coral bleaching and disease. Guam receives approximately \$700,000 in federal funds to address these threats and protect our coral reefs. Part of the funds have been directed to the issues of fisheries management that include studying the effects of spillover into the preserves, improving enforcement through the support of additional conservation offices, and funding of the Natural Resources Attorney.

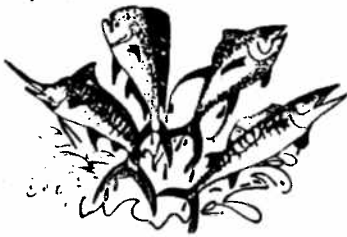
Recently, Guam completed an initial study that assessed the value of Guam's coral reefs. Although this was an initial step, this study provided us with information to understanding the economic value of the reefs and the willingness of the public to pay for the management of these resources. At a minimum, Guam's reefs are valued at approximately \$140million/year.

It is important that we strengthen the laws that assist in the management of Guam's MPAs . This has proven to be an important tool to address fishery management issues.

We have been working with many sectors of the community in protecting Guam's coral reef including recreational users, the tourist industry, developers and educators.

Protecting Guam's natural resources will take all of the community's efforts and sacrifices.

We must continue to make decisions to protect Guam's fragile environmental. This resource belongs to everyone and everything must be done to ensure that it is around for the enjoyment of future generations.



**GUAM FISHERMEN'S
COOPERATIVE ASSOCIATION**

P. O. Box 24023
G.M.F., Guam 96921
Tel: (671) 472-6323 • Fax: (671) 477-2986

RECEIVED
12/19/05
a 4.44

December 13, 2005

Honorable Joanne M.S. Brown
Vice-Speaker,
I Mina' Bente Ocho Na Liheslaturan Guahan
Chairwoman,
Committee on Natural Resources, Utilities and Micronesian Affairs
155 Hesler Place
Hagatna, Guam 96910

Regarding: Bill 228

Dear Senator Brown:

On behalf of the Guam Fishermen's Cooperative Association I would like to thank you and your Committee on Natural Resources, Utilities and Micronesian Affairs for allowing me to provide testimony on Bill 228. The Guam Fishermen's Cooperative Association has long supported measures introduced by your Committee from the Five (5) Marine Protected Areas to Eco-Permit and to this legislation. No other non-governmental or private entity has provided such continuous support for these types of legislation, despite its direct impact on our fishing community.

The fishing community, like the farming community should be promoted and perpetuated for the good of our island culturally, socially and economically. We would just like to reiterate to the Committee of our strong concern regarding the definition of traditional fishing methods. The definition as prescribed in the legislation is highly discriminatory and insensitive. We humbly request that the language in Section 2, Definitions, item h. be amended with any of the following recommendations:

1. Traditional Fishing Methods means cultural fishing practices whereby the following methods are most commonly used but are not necessarily limited to:
2. Traditional Fishing Methods means subsistence-level cultural fishing practices whereby the following methods are most commonly used but are not necessarily limited to:

3. Complete Deletion of item h.

Analysis:

Recommendation #1 & #2 would allow for the indigenous inhabitants (Chamorros) of Guam to continue cultural practices and adapting to changes in society as a result of modernization, urbanization, socio-economic value changes or other similar factors. The traditional methods or activities must be adaptive in order for the perpetuation of the Chamorro cultural traditions. The same concept if applied to traditional cultural weavings, carvings and dances would result in the loss of their traditional designation, especially if such products or services are sold or compensated. This is an injustice to the Chamorro people. The use of non-natural materials, tools or devices would be considered non-traditional even if the practice is traditional. Chamorros are a highly adaptive and resourceful people which is often considered the bases for our *island pride* and with that in mind the legislature should encourage the use and application of technology within good practice, of course.

Recommendation #3 is the preferred alternative since tradition is a time honored practice passed from generation to generation and should not be regulated through legislation but rather protected and perpetuated by legislation. Having grown up in a family with both land and sea cultural practices; I often asked my elders why we do things a certain way and the answer was that it is the way it was and is...tradition. Both the farmer and fisherman have not only given to family and community but also bartered for goods or services. Today, goods and services for the most part cannot be bartered; cash is the exchange commodity. Imagine what my neighbor would say when offer him a cow and a sack of mafute for the acre lot adjoining mine but before World War II that was a very common form of exchange.

The support given to the creation of Guam's Marine Protected Areas by the fishing community was an effort to illustrate the sacrifice for the common good of our island. This sacrifice obviously demonstrated by the fishermen and not as evident by other non-fishing users. The removal of the green algae (fish food) and broken coral (future sand and habitat for marine life) along the shoreline on a daily bases (both within the preserves and outside in the marine business areas) is both illegal and most importantly an unfair enforcement of the statutes.

This Island imports over thirty-two million dollars of fish products a year. This economic benefit should not be limited to foreign fishers and importers but it should be fostered locally. The island has been plagued by foreign fishers from the whalers to the ultra-modern Purse Seiners and Longliners. Development has affected our shores where the majestic sea turtles once nested. This resource can no longer be taken by the Chamorros because of depleted stocks, but of course fishermen are to be blamed. Today, the people are suffering from the diet changes which has resulted in Guam having the highest per capita cases of coronary, diabetes and cancer ailments in the U.S....a regular fish diet is believed to lessen the number of cases.

The Guam Fishermen's Cooperative Association has been on the forefront of promoting the utilization of pelagic fish in order to alleviate the demand on our reef species. The development of recipes and even a "Gupot Peskadot" (Fisherman's Festival) whereby actual pelagic (mahi-mahi, wahoo, etc..) seafood food tasting is involved and displays about our marine environment is showcased. All this effort and cost shouldered by the fishing community and its environmental partners (when everywhere else the financial burden is shouldered by the government).

Guam is the only place in the world where fishery development is not a priority. We do not have a program or person in charge of coordinating or developing this viable economic industry. The establishment of such a position or entity may result in the development of an off-shore fishery and lessen the impact on the in-shore resource. Providing alternatives is often the best way to resolve issues, most especially when dealing with people, tradition and most especially their livelihood.

In closing, we would like to thank the Legislative Committee for its vigilant watch over the fishermen and the constant efforts to facilitate the regulating of the perhaps, oldest and truest form of Chamorro tradition. We can only hope that someday we may be able to address the environment impacts and return the resource to the state where the fishers can once again provide food for the people of this island (as we have for thousands of years prior to and after the coming of Magellan).

Food for thought; the population of Chamorros on Guam was said to be over one hundred thousand prior to the re-discovery of Guam...no cows, chickens or pigs so the ocean provided life for this large population 365 days a year (over three thousand years).

We pray that the legislature in promoting the protection our resource does not end up preserving (pickling) what remains of the Chamorro culture and traditions. Thank the heavens that someone realized the effects of this type of legislation and memorialized the past traditional practitioners on posters for our children view. Should you have any questions or concerns please feel free to contact me at the above numbers. Apologies for the length of this testimony but believe it or not...this was the abbreviated version.

Co-operatively yours,



Manuel P. Duenas II
President

Attachments:

cc: Governor of Guam
Speaker, Guam Legislature
Senators, Guam Legislature
Village Mayors
President, Chamorro Affairs
BOD Guam Fishermen's Co-op
Members, Guam Fishermen's Co-op

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 228 (FC)

Introduced by:

J.M.S. Brown

J. T. Won Pat

AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS 63129 SECTION 63601 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent: *I Liheslatura* finds that the
3 protection of the significant aquatic and natural resources of Guam's marine
4 environment will be for the benefit of present and future generations.
5 Throughout the years, statutes have been put in place to attempt to achieve a
6 comprehensive management, protection and conservation plan to enhance
7 our island's natural and cultural marine heritage, and the ecologically and
8 economically sustainable use of the marine environment for future

1 acts or to assist any other person in the doing of or the attempt to do
2 such acts;

3 (h) Traditional Fishing Methods means subsistence-level cultural fishing
4 practices in which the catch is not marketed, but rather is shared within
5 the family or community for purposes of home consumption.
6 Traditional methods most commonly include, but are not necessarily
7 limited to:

- 8 (1) cast net (talaya),
- 9 (2) drag net/seine (chinchulon mahala)
- 10 (3) surround net (chinchulon umesugon)
- 11 (4) trap net (chinchulon managam)
- 12 (5) butterfly net (chinchulon ababang), and
- 13 (6) lalago.

14 (i) Vehicle includes every description of carriage or other contrivance
15 used, or capable of being used, as means of transportation on, below, or
16 above the land, including boat trailers, but does not include aircraft;

17 (j) Vessel includes every description of watercraft or other contrivance
18 used, or capable of being used, as means of transportation in water; and

19 (k) Waters of Guam means that area of shore and waters seaward of the
20 mean high water line (mark) to the outermost limits of Guam's exclusive
21 economic zone as provided by 1 GCA §402(a).

22

December 13, 2005

Faxed to Manny Duenas at 477-2986

From Judy Amesbury at 734-1132 (phone 734-1129)

Dear Manny,

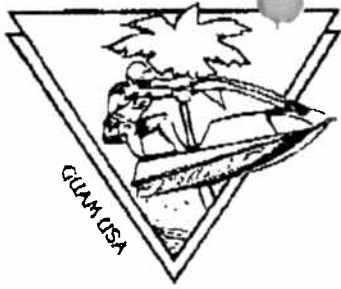
This definition of "Traditional Fishing Methods" just isn't very clear or very well thought out. What do they mean by "subsistence-level"? What do they mean by "cultural fishing practices"?

Actually there is nothing about "Traditional Fishing Methods" that specifies what is done with the catch. It is possible a fisherman could use traditional fishing methods (like the talaya) and then sell the catch.

Traditionally the catch was (as this definition says) "shared within the family or community for purposes of home consumption", but the catch was certainly bartered or exchanged as well. It wasn't always given away.

If you need to cite someone, I have an interview with a woman named Carmen Sanchez in Tinian, who said her father fished with a throw net and traded fish for beef and pork and taro. I'm sure that was and probably still is a common pattern.





OCEAN JET CLUB

"MARINE ADVENTURES"

Mailing Address: P.O. Box 3058, Hagatna, Guam 96932
169 Bishop Flores St., Tamuning, Guam 96911
Tel: (671) 646-2294 • Fax: (671) 646-2295

December 13, 2005

Guam Fishermen's Cooperative
Manny Duenas
President

Dear Manny,

This is in response to our conversation regarding the public hearing you attended on December 9, 2005. You mentioned to me that Senator Kasperbauer brought up that "all" of the jetski tour operators based in Agana Bay are against the idea of closing down jet ski operations during manohoc runs. You mentioned it was brought up that this is due to the fact that it really adversely affects business, and that fishermen do not pay GRT, therefore the businesses paying GRT ought to have more say about whether or not operations should be shut down during manohoc runs.

We would like to clarify the position of Ocean Jet Club. We are NOT opposed to closing down our jet ski operations during manohoc runs. In fact, we wholly support the rights of local fishermen to participate in this traditional activity unhindered by jetskis operating around them. Most of our customers have no complaints and enjoy watching the fishermen. It is rarely more than a day or so that our operations are affected, and it would be a shame if this local tradition were to be restricted in favor of business activity.

We don't believe the current regulations are overly restrictive, and in the 18 years we have been in business, we have always willingly complied when given notice by Department of Parks & Recreation to stop operations for the manohoc runs.

Thank you for this opportunity for us to clarify our position to you, and let me know if we can be of assistance in clarifying this issue publicly.

Sincerely,

Mima Iwana
President
Ocean Jet Club

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 228 (EC)

Introduced by:

J.M.S. Brown

J. T. Won Pa

AN ACT RELATIVE TO ADDING NEW DEFINITIONS TO SECTION 63101 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO ADD NEW SUBSECTIONS 63116.1 AND 63116.2 TO SECTION 63116 CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTIONS 63129 SECTION 63601 OF CHAPTER 63, DIVISION 6 OF TITLE 5 GUAM CODE ANNOTATED TO EXPAND THE PROTECTION OF GUAM'S MARINE RESOURCES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent:** *I Liheslatura* finds that the
3 protection of the significant aquatic and natural resources of Guam's marine
4 environment will be for the benefit of present and future generations.
5 Throughout the years, statutes have been put in place to attempt to achieve a
6 comprehensive management, protection and conservation plan to enhance
7 our island's natural and cultural marine heritage, and the ecologically and
8 economically sustainable use of the marine environment for future

1 generations. This is in line with the intent of Presidential Executive Order
2 13158, and the national establishment of Marine Protected Areas

3 *I Liheslatura* further finds that Public Law 24-21 established marine
4 preserves as a proactive approach to protect our island's marine habitats and
5 ecosystem to allow the fish stock and other marine life to continue to thrive in
6 our islands surrounding waters. *I Liheslatura* also finds that to augment the
7 Department of Agriculture's ability to regulate activities which may
8 negatively impact the health and welfare of marine preserves' species and
9 habitat, Public Law 27-87 mandated the Department of Agriculture to
10 promulgate rules and regulations pursuant to the Administrative
11 Adjudication Act to establish an eco-permitting system.

12 Therefore, it is the intent of *I Liheslatura* to continue its actions of
13 proactive protection of the vital resources of the established marine preserves
14 and to strengthen the regulatory authority of the Department of Agriculture
15 to benefit current and future generations.

16 **Section 2 Adding New Definitions to Section 63101, Chapter 63**
17 **Division 6 Title 5 G.C.A.:** Section 63101. Definitions. As used in this
18 Article:

- 19 (a) Angling means taking of aquatic animal life with a hook;
20 (b) Firearm means any weapon, the operating force of which is an
21 explosive. This definition includes pistols, revolvers, rifles, shotguns,
22 machine guns, automatic rifles, noxious gas projectors, mortars, bombs,

1 cannons and submachine guns. The specific mention of certain weapons
2 does not exclude from the definition other weapons operated by
3 explosives;

4 (c) Fish means any aquatic animal life, including but not limited to oysters,
5 clams, mollusks, mussels, crustaceans, and other shellfish;

6 (d) Fish Weir means an apparatus for catching fish, consisting of a pocket or
7 trap, with one or more wings or leaders, or both. Any reference to a fish
8 weir in this Article includes any part or component thereof, including
9 any pole, support, net, brush, wire, mesh, rope, or other item or
10 material. For the purpose of this Article, there are two types of fish
11 weirs:

12 (1) main weir means the central pocket or trap of any fish weir and its
13 leader (main entrance) and wings (side entrance); and

14 (2) Auxiliary weir means any supplementary trap or pocket and its
15 leader and wings which are attached to the leader or wings of a
16 main weir;

17 (e) Game means all native or introduced species of wild birds and wild or
18 feral animals;

19 (f) Snagging means fishing in a manner with jerking motions with hooks
20 and line in an attempt to pierce the body of the fish externally;

21 (g) Take means hunt, pursue, catch, capture, angle, seize, kill, trap, harm,
22 shoot in any way or by any agency or device; every attempt to do such

1 acts or to assist any other person in the doing of or the attempt to do
2 such acts;

3 (h) Traditional Fishing Methods means subsistence-level cultural fishing
4 practices in which the catch is not marketed, but rather is shared within
5 the family or community for purposes of home consumption.
6 Traditional methods most commonly include, but are not necessarily
7 limited to:

- 8 (1) cast net (talaya),
- 9 (2) drag net/seine (chinchulon mahala)
- 10 (3) surround net (chinchulon umesugon)
- 11 (4) trap net (chinchulon managam)
- 12 (5) butterfly net (chinchulon ababang), and
- 13 (6) lalago.

14 (i) Vehicle includes every description of carriage or other contrivance
15 used, or capable of being used, as means of transportation on, below, or
16 above the land, including boat trailers, but does not include aircraft;

17 (j) Vessel includes every description of watercraft or other contrivance
18 used, or capable of being used, as means of transportation in water; and

19 (k) Waters of Guam means that area of shore and waters seaward of the
20 mean high water line (mark) to the outermost limits of Guam's exclusive
21 economic zone as provided by 1 GCA §402(a).

22

- 1 (l) Aquatic Life- is defined to include all aquatic animals and aquatic
2 plants.
- 3 (m) Coral - any live or dead member of the Phylum Cnidaria that form
4 calcareous skeletons, spicules, or sclerites (including soft and hard corals
5 both hermatypic and ahermatypic) or exist as sessile, solitary, or colonial
6 polyps. Those members include but are not limited to all stony corals
7 (Scleractinia), fire corals (Milleporina), hydrocorals (Stylasterina), soft
8 corals (Alcyonacea), blue corals (Coenothecalia), organpipe corals and
9 relatives (Stononifera) sea fans (Gorgonacea), black corals
10 (Antipatharia), and sea anemones (Order Actinaria, Ceriantharia, and
11 Zoanthidea).
- 12 (n) Marine Preserve- is defined as a delineated area in which certain
13 activities or uses are permanently restricted or prohibited.
- 14 (o) Mangroves- are defined as woody species to include but not limited to
15 species in the family Rhizophoraceae.
- 16 (p) Rock- is defined as any hard material larger than sand size grains made
17 from a mineral or petrified mass including but not limited to coral
18 skeleton that has been weathered to form limestone.
- 19 (q) Resource- is defined as any non-living, or living entity.
- 20 (r) Sand- is defined as any loose grainy non-living material formed from
21 the erosion of rocks, skeletal material and/or calcium carbonate
22 formations.

- 1 (s) Seagrass- is defined as any species of marine angiosperms (flowering
2 plants) to include but not limited to species in the families
3 Hydrocharitaceae and Potamogetonaceae.
- 4 (t) Manahac- is defined as fish within the family Siganidae (Rabbitfishes)
5 that are 3 inches or smaller when measured from the tip of the snout or
6 jaw to the rear center edge or fork of the tail (fork length).
- 7 (u) Juvenile Jacks (E'e')- is defined as fish within the family Carangidae
8 (Jacks) that are 8 inches or smaller when measured from the tip of the
9 snout or jaw to the rear center edge or fork of the tail (fork length).
- 10 (v) Juvenile Goatfish (Tiao')- is defined as fish within the family Mullidae
11 (Goatfishes) that are 4 inches or smaller when measured from the tip of
12 the snout or jaw to the rear center edge or fork of the tail (fork length).

13 **Section 2. An act to add §63116.1 to Section 63116, Chapter 63,**
14 **Division 6 Title 5 Guam Code Annotated.**

15 Section 63116.1. Purpose of Marine Preserves. The purpose of the marine
16 preserve is to protect, preserve, manage, and conserve aquatic life, habitat,
17 and marine communities and ecosystems, and to ensure the health, the
18 welfare, and the integrity of marine resources and qualities for current and
19 future generations by managing, regulating, restricting, or prohibiting
20 activities to include but not limited to fishing, development, or human uses.

21 **Section 3. An act to add §63116.2 to Section 63116, Chapter 63,**
22 **Division 6 Title 5 Guam Code Annotated.**

1 Section 63116.2. Activities within Marine Preserves: All forms of fishing, and
2 the taking or altering of aquatic life, living or dead coral, and any resources to
3 include but not limited to mangroves, seagrass, sand, and rocks within a
4 preserve is unlawful except as specifically identified as allowable by the
5 Department of Agriculture through regulations.

6 **Section 4. Section 63129 is here by amended to read as follows:**

7 Section 63129. Penalty: Any person violating §63104, §63105, §63106, §63107,
8 or §63108 of this Article is guilty of a felony punishable by imprisonment of
9 not more than five (5) years, or by a fine of not less than Five Hundred Dollars
10 (\$500), nor more than Five Thousand Dollars (\$5,000), or by both. Any person
11 violating §63606.1 or §63606.2 of this Chapter shall be guilty of a felony, and
12 upon conviction thereof may be imprisoned for not more than five (5) years,
13 or fined not more than One Hundred Thousand Dollars (\$100,000), or both. A
14 violation of any other provision of this Article or its supporting regulations
15 shall be guilty of a misdemeanor, and upon conviction thereof, shall be
16 punishable by a fine of not less than Fifty Dollars (\$50), nor more than Five
17 Hundred Dollars (\$500), or by imprisonment of not more than ninety (90)
18 days, or by both fine and imprisonment. In addition, all pelagic drift nets or
19 their components, equipment for their manufacture, containers for such nets,
20 fish or fish products gathered through the use of a pelagic drift net, and all
21 conveyances including aircraft, vehicles and vessels used for their transport
22 shall be subject to forfeiture, and may be seized by the Governor under

1 process issued by the Superior Court except that such seizure without such
2 process may be made when the seizure is incidental to an arrest or a search
3 pursuant to a search warrant, or as provided by §63128 of this Article.

4 **Section 5. Section 63601 is hereby amended to read the following:**

5 Section §63601. Taking of Coral Unlawful. It shall be unlawful to remove
6 coral from the area surrounding the Island of Guam extending Ten (10) meters
7 inland from the main high tide line then seaward within the waters of Guam,
8 except in accordance with this Article.