

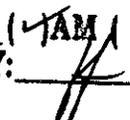


*Office of the Governor of Guam*

P.O. Box 2950 Hagåtña, Guam 96932  
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the People's Speaker  
vicente (ben) c. pangelinan

MAY 14 2004

TIME: 10:22 (AM) PM  
RECEIVED BY: 

Felix Perez Camacho  
*Governor*

Kaleo Scott Moylan  
*Lieutenant Governor*

14 MAY 2004

Honorable Vicente C. Pangelinan  
Speaker  
*I Mina Bente Siete na Liheslaturan Guåhan*  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Substitute Bill No. 17, "AN ACT TO CREATE A MARINE PRESERVES ECO-PERMITTING SYSTEM, TO BE ADMINISTERED BY THE DIVISION OF AQUATIC AND WILDLIFE RESOURCES OF THE DEPARTMENT OF AGRICULTURE," which I have signed into law on May 6, 2004, as Public Law 27-87.

Guam's marine preserve system is rekindling interest in our shores and fostering a sense of stewardship among all sectors of the community, who are seeing the positive impacts of these special areas. Tumon Bay, long regarded as the center of our tourism industry, is now becoming known again for the rich sea life that can be found in its waters.

Bill 17, now Public Law 27-87, will help us ensure that our preserves are protected not only from over harvesting of resources, but from the effects of other activities that may prove detrimental to the fragile ecosystem. This new law will provide the Department of Agriculture with the ability to fairly permit activities in the preserves to balance the needs of our community with the need to conserve our resources for future generations.

*Sinseru yan Magåhet,*



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

Attachment: copy attached of signed bill

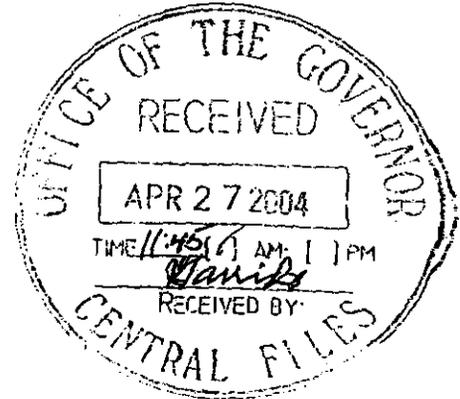
cc: The Honorable Tina Rose Muña-Barnes  
Senator and Legislative Secretary



**MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN**  
TWENTY-SEVENTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

April 27, 2004

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. 178(LS), 193(COR), 256(LS), 261(LS) and 277(COR), and Substitute Bill Nos. 17(LS), 115(COR), 119(COR), 146(LS), 172(LS), 175(LS), 177(LS), 183(COR), 220(COR), 230(LS), 231(LS), 249(COR), 255(LS) and 258(LS) which were passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on April 23, 2004.

Sincerely,

  
TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosures (19)

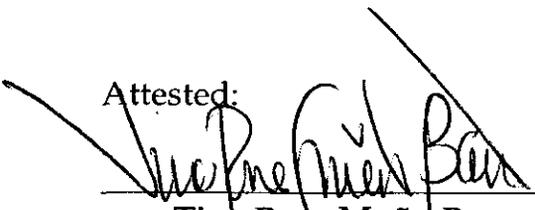
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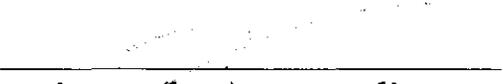
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2004 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 17 (LS), "AN ACT TO CREATE A MARINE PRESERVES ECO-PERMITTING SYSTEM, TO BE ADMINISTERED BY THE DIVISION OF AQUATIC AND WILDLIFE RESOURCES OF THE DEPARTMENT OF AGRICULTURE,"** was on the 23<sup>rd</sup> day of April, 2004, duly and regularly passed.

Attested:

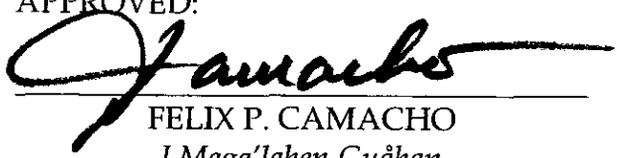
  
Tina Rose Muña Barnes  
Senator and Legislative Secretary

  
vicente (ben) c. pangelinan  
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 27 day of April, 2004,  
at 11:45 o'clock A. .M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: May 6, 2004

Public Law No. 27-87

**I MINA'BENTE SIETE NA LIHESLATURAN GUAHAN**  
**2003 (FIRST) Regular Session**

**Bill No. 17 (LS)**

As substituted by the Committee on  
Youth & Senior Citizens, Federal & Foreign Affairs,  
Veterans & Military Affairs, Human & Natural Resources,  
and further substituted and amended on the Floor.

Introduced by:

J. M.S. Brown  
L. A. Leon Guerrero  
v. c. pangelinan  
F. B. Aguon, Jr.  
F. R. Cunliffe  
C. Fernandez  
Mark Forbes  
L. F. Kasperbauer  
R. Klitzkie  
J. A. Lujan  
T. R. Muña Barnes  
J. M. Quinata  
R. J. Respicio  
Toni Sanford  
Ray Tenorio

**AN ACT TO CREATE A MARINE PRESERVES ECO-  
PERMITTING SYSTEM, TO BE ADMINISTERED BY THE  
DIVISION OF AQUATIC AND WILDLIFE RESOURCES OF  
THE DEPARTMENT OF AGRICULTURE.**

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

2           **Section 1.   Creation of the Eco-Permitting System.** The Director of  
3   Agriculture shall regulate activities that can impact the health and welfare  
4   of a particular species or habitat in a marine preserve as defined by Public  
5   Law No. 24-21. The Director of Agriculture shall promulgate, pursuant to

1 the Administrative Adjudication Act, regulations governing activities  
2 (intended to include activities beyond just fishing) in marine preserves as  
3 established in Public Law No. 24-21. These regulations shall include, *but*  
4 *not be limited to*, the permit application procedures and standards, review  
5 criteria and standards for activities, and penalties for violations.

6 (a) The regulations shall provide for the administration and  
7 enforcement of these regulations by the Division of Aquatic and  
8 Wildlife Resources of the Department of Agriculture.

9 (b) Permit application and compliance shall be directly  
10 administered, in accordance with the rules and regulations, by the  
11 majority decisions of a three (3) member Permitting Board, comprised  
12 of the Chief of the Division of Aquatic and Wildlife Resources, the  
13 Supervisor of the Fisheries Section of the Division of Aquatic and  
14 Wildlife Resources, and the Supervisor of the Law Enforcement  
15 Section of the Division.

16 (c) The permitting system created herein shall maximize  
17 public access and use consistent with the protection of species and  
18 habitats on Guam, and shall include an assessment of all permit  
19 applications by the Department of Agriculture for negative  
20 environmental, ecosystem, or species impact.

21 (d) The Director of Agriculture shall, through the permitting  
22 system created herein and pursuant to the rules and regulations,  
23 make a determination of whether existing activities within marine  
24 preserves shall continue or be discontinued, or future activities be  
25 permitted.

1           (e) The rules and regulations shall provide for the creation of  
2 an advisory committee to the Director of Agriculture to ensure public  
3 and stakeholder input regarding the rules, policies, and procedures  
4 pertaining to this Section.

5           (f) Granting of a permit pursuant to this Act and the rules and  
6 regulations promulgated pursuant hereto shall *not* preclude the  
7 applicant's need to comply with any other law or to obtain, in  
8 addition to the permit required by this Act, additional GLUC or  
9 Guam Territorial Seashore Protection Commission approval of any  
10 activities within the Marine preserves, as required by separate  
11 regulation or law.

12       **Section 2. Severability.** *If* any of the provisions of this Law or its  
13 application thereof to any person or circumstance is found to be invalid or  
14 contrary to Law, such invalidity shall *not* affect other provisions or  
15 applications of this Law, which can be given effect without the invalid  
16 provisions or application, and to this end the provisions of this Law are  
17 severable.



## Senator Rory J. Respicio

Chairperson

Committee on Youth & Senior Citizens • Federal & Foreign Affairs • Veteran & Military Affairs • Human & Natural Resources

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**APR 05 2004**

The Honorable ben. c. pangelinan  
Speaker, *I Mina'Bente Siete Na Liheslaturan Guahan*  
155 Hesler Street  
Hagatna, Guam 96910

*Via: Honorable Senator Lou Leon Guerrero, Committee on Rules & Health*

Dear Mr. Speaker:

*Buenas!* The Committee on Youth & Senior Citizens, Federal & Foreign Affairs, Military & Veteran Affairs, Human & Natural Resources to which was referred Bill No.17 An Act to Create an Ecosystem Health and Welfare Permit System to be administered by the Division of Aquatic Wildlife Resources of the Guam Department of Agriculture and now wishes to report back the same with the recommendation to pass.

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

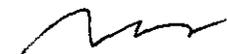
The Committee votes are as follows:

<u>8</u>	To Pass
<u>0</u>	Not To Pass
<u>0</u>	Abstain
<u>0</u>	Inactive File
<u>0</u>	Report Out

A copy of the Committee report and other pertinent documents are attached for your immediate reference information.

Should you have any questions on the narrative report and the accompanying documents, please do not hesitate to call my office at 472-RORY (7679). *Si Yu'os Ma'ase!*

*Senseramente,*

  
RORY J. RESPICIO

**Mailing Address:** • Twenty-Seventh Guam Legislature • 155 Hessler Street, Hagåtña, Guam 96910

Location: Suite 101, CarlRose Building, 181 East Marine Drive, Hagåtña 96910 • Tel: (671) 472-RORY (7679) • Fax: (671) 472-3547 • Email: rjr@ite.net



**Office of Senator Rory J. Respicio**  
**Mina Bente Siete Na Liheslaturan Guahan**

**Chairman: Committee on Youth & Senior Citizens, Federal & Foreign Affairs,  
 Military & Veterans Affairs, Human Resources, and Natural Resources**

VOTING SHEET ON:

Bill No. 17 An Act to Create An Ecosystem Health and Welfare permit System to be administered by the Division of Aquatic and Wildlife Resources of the Guam Department of Agriculture

COMMITTEE MEMBER	INITIAL	TO PASS	NOT TO PASS	ABSTAIN
Sen. Rory J. Respicio Chairman				
Sen. Tina Rose Muna- Barnes Vice- Chair				
Sen. Carmen Fernandez Member				
Sen. Lou Leon Guerrero Member				
Sen. John Quinata Member				
Sen. Toni Sanford Member				
Sen. Joanne Brown Member				
Sen. Mark Forbes Member				
Sen. Robert Klitzkie Member				
Sen. Jesse Lujan Member				
Sen. Lawrence Kasperbauer Member				



**Office of Senator Rory J. Respicio**  
**Mina Bente Siete Na Liheslaturan Guahan**

**Chairman: Committee on Youth & Senior Citizens, Federal & Foreign Affairs,  
 Military & Veterans Affairs, Human Resources, and Natural Resources**

VOTING SHEET ON:

Bill No. 17 An Act to Create An Ecosystem Health and Welfare permit System to be administered by the Division of Aquatic and Wildlife Resources of the Guam Department of Agriculture

COMMITTEE MEMBER	INITIAL	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN
Sen. Rory J. Respicio Chairman					
Sen. Tina Rose Muna- Barnes Vice- Chair					
Sen. Carmen Fernandez Member					
Sen. Lou Leon Guerrero Member					
Sen. John Quinata Member					
Sen. Toni Sanford Member					
Sen. Joanne Brown Member					
Sen. Mark Forbes Member					
Sen. Robert Klitzkie Member					
Sen. Jesse Lujan Member					
Sen. Lawrence Kasperbauer Member					

## **Committee Report**

Bill No. 17

**AN ACT TO CREATE AN ECOSYSTEM HEALTH AND WELFARE PERMIT SYSTEM TO BE ADMINISTERED BY THE DIVISION OF AQUATIC AND WILDLIFE RESOURCES OF THE GUAM DEPARTMENT OF AGRICULTURE**

The Committee on Youth & Senior Citizens, Federal & Foreign Affairs, Military & Veterans Affairs, Human Resources, and Natural Resources to which was referred Bill No. 17 (See Exhibit "A") held a public hearing on the measure at 9 AM, May 5, 2003 at the Legislative Public Hearing Room in Hagatna. Barnes, Aguon, Klitzkie

### **Summary of Testimony**

Testifying at the hearing was Manuel Duenas, President of the Guam Fishermans Coop; Fred Castro, Administrator of the Guam Environmental Protection Agency; Rufo Lujan; and Dan Swavely. Copies of audio recordings of testimony received at the public hearing are available on file with the Committee

### **Committee Findings**

The Committee finds that established marine preserves are of crucial importance to our environment and the economic interests of the community particularly with respect to fishing and tourism. A permitting process should therefore be in place to properly regulate activities that may detract from habitat and species protection goals of the marine preserves. As the lead agency entrusted with managing the preserves, it is therefore appropriate to empower the Department of Agriculture to more effectively regulate activities within the marine preserves

### **Committee Recommendation**

The Committee hereby recommends approval of Bill No. 17 as substituted by the Committee.