

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

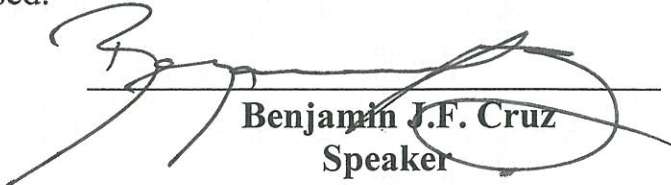
BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
86-34 (COR) As corrected by the Prime Sponsor; and substituted and amended on the Floor.	William M. Castro Joe S. San Agustin Louise Borja Muña Tommy A. Morrison	AN ACT TO ADD A NEW SUBSECTION (D) (CC) TO § 63101 AND NEW § 63117.1 AND § 63117.2 TO CHAPTER 63, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO COMMUNITY-BASED FISHERIES MANAGEMENT. THIS ACT SHALL BE KNOWN AND CITED AS THE MARINE CONSERVATION ACT OF 2017.	5/5/17 3:39 p.m. AS CORRECTED 5/30/17 10:16 a.m.	6/2/17	Committee on Environment, Land, Agriculture, and Procurement Reform	7/5/17 9:00 a.m.	11/15/17 9:17 a.m.	Fiscal Note Request 6/2/17 Fiscal Note 6/14/17	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	1/22/2018	AN ACT TO ADD NEW §§ 63101(cc), 63117.1, 63117.2, AND 63117.3 TO ARTICLE 1 OF CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF A COMMUNITY-BASED FISHERIES MANAGEMENT STRATEGY; TO BE KNOWN AND CITED AS THE "MARINE CONSERVATION ACT OF 2018."	01/26/18	01/29/18 1:45 p.m.	2/9/18				

COPY


I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÁHEN GUÁHAN


This is to certify that Substitute Bill No. 86-34 (COR), "AN ACT TO ADD NEW §§ 63101(cc), 63117.1, 63117.2, AND 63117.3 TO ARTICLE 1 OF CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF A COMMUNITY-BASED FISHERIES MANAGEMENT STRATEGY; TO BE KNOWN AND CITED AS THE "MARINE CONSERVATION ACT OF 2018"," was on the 26th day of January 2018, duly and regularly passed.


Benjamin J.F. Cruz
Speaker

Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'láhen Guáhan* this 29 day of JAN,
2018, at 1:45 o'clock P.M.


Assistant Staff Officer
Maga'láhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'láhen Guáhan

Date: _____

Public Law No. _____

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I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 86-34 (COR)

As corrected by the Prime Sponsor; and substituted and amended on the Floor.

Introduced by:

William M. Castro
Joe S. San Agustin
Louise Borja Muña
Tommy Morrison
Thomas C. Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* NEW §§ 63101(cc), 63117.1, 63117.2, AND 63117.3 TO ARTICLE 1 OF CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF A COMMUNITY-BASED FISHERIES MANAGEMENT STRATEGY; TO BE KNOWN AND CITED AS THE “MARINE CONSERVATION ACT OF 2018.”

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds
3 that the threats upon our coral reefs, marine ecosystems, and precious resources
4 are diverse and vary in scale. Such threats range from local fishing pressures and

1 human and natural pollution impacts, to global drivers of climate change and
2 ocean acidification.

3 *I Liheslaturan Guåhan* further finds that such threats, if gone unchecked
4 and without proper mitigation, pose great harm to marine life, investments in
5 critical infrastructure, defenses, and the lives of the people who live in and rely
6 upon our coastal areas.

7 *I Liheslaturan Guåhan* further finds that such threats are too great to be
8 managed and addressed by any single agency of the government of Guam. *I*
9 *Liheslaturan Guåhan* acknowledges that marine resources are not easy to fence
10 off, monitor and regulate, and that such resources are common property and
11 available to all.

12 *I Liheslaturan Guåhan* resolves that the protection and management of
13 these resources requires the support and cooperation of the local community
14 through a participatory approach grounded in community-based management to
15 address the full range of biophysical, socioeconomic, and governance issues
16 facing our coastal villages.

17 **Section 2.** This Act *shall* be known and may be cited as the “Marine
18 Conservation Act of 2018.”

19 **Section 3.** A new Subsection (cc) is hereby *added* to § 63101 of Article
20 1, Chapter 63, Title 5, Guam Code Annotated, to read:

21 “(cc) Community-Based Fisheries Management - a system in which
22 fishermen and their communities exercise primary responsibility for
23 stewardship and fisheries management, to include taking part in the decision-
24 making on all aspects of fisheries management, such as harvesting, access,
25 compliance, research, and marketing.”

1 **Section 4.** A new § 63117.1 is hereby *added* to Article 1 of Chapter 63,
2 Title 5, Guam Code Annotated, to read:

3 **“§ 63117.1. Purpose of Community-Based Fisheries Management.**

4 The purpose of a community-based fisheries management strategy is to
5 empower coastal resource communities to protect, preserve, manage, and
6 conserve aquatic life, habitat, and marine communities and ecosystems, and
7 to ensure the health, welfare and integrity of marine resources for current and
8 future generations through a more holistic ecosystem-based management
9 approach, which *shall* be consistent with this Chapter and 9 GAR Chapter 12
10 (Fishing Regulations).

11 The Director of the Department of Agriculture, Mayors, and Municipal
12 Planning Councils *shall* have the authority to designate community-based
13 fisheries managed areas and develop fisheries management plans, along with
14 rules and regulations subject to the Administrative Adjudication Law, 5 GCA
15 Chapter 9. Such rules and regulations may be revisited annually for any
16 revisions to be made through the Administrative Adjudication Law process.”

17 **Section 5.** A new § 63117.2 is hereby *added* to Article 1 of
18 Chapter 63, Title 5, Guam Code Annotated, to read:

19 **“§ 63117.2. Humatak Fisheries Managed Area and Plan.**

20 The Director the Department of Agriculture and the Director of the
21 Bureau of Statistics and Plans *shall* provide the necessary technical assistance
22 to the Mayor and Municipal Planning Council (MPC) of *Humatak* to designate
23 *Humatak* Bay, inclusive of adjacent reef areas as identified by the Mayor and
24 the MPC of *Humatak*, as a community-based *Humatak* fisheries managed
25 area, as well as for the development of a community-based *Humatak* fisheries
26 management plan, consistent with the *Humatak* Revitalization Plan, the

1 Southern Development Master Plan, and any other development plan
2 approved by the community of *Humatak*. The plan *shall* be due within twelve
3 (12) months upon enactment. The plan and any resulting rules and regulations
4 *shall* be in accordance with the Administrative Adjudication Law (5 GCA
5 Chapter 9) to carry out the provisions of this Section. Such rules and
6 regulations may be revisited annually for any revisions that need to be made
7 through the Administrative Adjudication Law process.

8 In the event a final plan is not produced within twelve (12) months following
9 the enactment of this Section, an interim report *shall* be produced at the end of said
10 twelve (12) month period, and every six (6) month period thereafter. The interim
11 report *shall* be transmitted to the Speaker of *I Liheslaturan Guåhan* (the Guam
12 Legislature) and the Bureau of Statistics and Plans.”

13 **Section 6.** A new § 63117.3 is hereby *added* to Article 1 of Chapter 63, Title
14 5, Guam Code Annotated, to read:

15 **“§ 63117.3. No Effect to Existing Designated Marine Preserve Areas on**
16 **Guam.**

17 Nothing in §§ 63117.1 or 63117.2 shall allow for any changes to
18 existing designated Marine Preserves on Guam, as provided in 9 GAR
19 Chapter 12.”

20 **Section 7.** Any fisheries management plan authorized by this Act *shall*
21 acknowledge that the Department of Agriculture and the Guam Police Department
22 *shall* have full authority to enforce the laws of Guam within community-based
23 fisheries.

24 **Section 8.** The fisheries management plans authorized by this Act *shall*
25 specify who shall be granted access to monitor fish and coral stock, or assess the
26 success of management goals in other ways, and *shall* provide that all data will be

1 shared with the relevant Municipal Planning Council, the Department of Agriculture,
2 the Bureau of Statistics and Plans, and the University of Guam Marine Lab.

3 **Section 9. Severability.** If any provision of this Act or its application to
4 any person or circumstance is found to be invalid, or contrary to law, such invalidity
5 *shall not* affect other provisions or applications of this Act that can be given effect
6 without the invalid provision or application, and to this end the provisions of this
7 Act are severable.

8 **Section 10. Effective Date.** This Act *shall* become effective upon
9 enactment.