

I Mina'Trentai Kuattro 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.	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	



Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuattro Na Liheslaturan Guåhan • 34th Guam Legislature

November 14, 2017

The Honorable Benjamin J.F. Cruz

Speaker

I Mina Trentai Kuattro Na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: **The Honorable Régine Biscoe Lee**
Chairperson, Committee on Rules

PPA

RE: Committee Report on Bill No. 86-34 (COR), As Corrected by the Prime Sponsor.

2017 NOV 15 AM 10:17:05

Håfa Adai Speaker Cruz,

Transmitted herewith is the Committee Report on Bill No. 86-34 (COR), As Corrected by the Prime Sponsor, **“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.”**

Committee votes are as follows:

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

Si Yu'os ma'åse',

Thomas C. Ada



[Signature]
10:43 am.



Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuatro Na Libeslaturan Guahan • 34th Guam Legislature

COMMITTEE REPORT ON

**Bill No. 86-34 (COR),
As Corrected by the Prime Sponsor.**

“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.”



Sen. Thomas Ada

Chairman


Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuatro Na Liheslaturan Guåhan • 34th Guam Legislature

November 14, 2017

MEMORANDUM

To: **All Members**
Committee on Environment, Land, Agriculture and Procurement Reform

From: **Senator Thomas C. Ada**, Committee Chairperson 

Subject: **Committee Report on Bill No. 86-34 (COR), As Corrected by the Prime Sponsor.**

Transmitted herewith for your consideration is the Committee Report on Bill No. 86-34 (COR), As Corrected by the Prime Sponsor, **“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.”**

This report includes the following:

- COR Referral Memorandum
- Notice of Public Hearing
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Written Testimonies
- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 86-34 (COR), As Introduced
- COR Pre-Referral Checklist
- Copy of Bill No. 86-34 (COR), As Corrected by the Prime Sponsor
- Fiscal Note

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



JUN 02 2017

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Michael F.Q. San Nicolas**
Chairman of the Committee on Rules

Re: **Referral of Bill No. 86-34 (COR), As Corrected by the Prime Sponsor**

Buenas yan Håfa adai.

Please be advised that **Bill No. 86-34 (COR), As Corrected by the Prime Sponsor** was returned to its Prime Sponsor due to its noncompliance with the Standing Rules (see (A)(2) of the pre-referral checklist) on May 16, 2017. The Prime Sponsor has made the necessary corrections to the subject bill, in accordance with the opinion of Legal Counsel. The Committee on Rules has reviewed the Bill, as corrected by the Prime Sponsor, and deems it compliant to the Standing Rules.

As per my authority as Chairman of the Committee on Rules, I am forwarding the referral of **Bill No. 86-34 (COR), As Corrected by the Prime Sponsor**.

Please ensure that the subject bill is referred, in my name, to **Senator Thomas C. Ada, Chairperson of the Committee on Environment, Land, Agriculture, and Procurement Reform**.

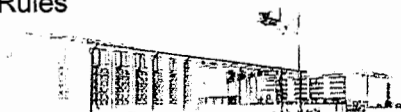
Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

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

Thank you for your attention to this important matter.

Respectfully,

Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules



I Mina'Trentai Kuattro Na Lihelaturan
BILL STATUS

86-34 (COR) As corrected by the Prime Sponsor.	William M. Castro Joe S. San Agustin Louise Borja Muna 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				
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Office of
Senator Tom Ada

Charlene Flores <fflores@senatorada.org>

1st Notice of Public Hearing: Wednesday, July 5, 2017 at 9:00 a.m.

Richard Salas <rsalas@senatorada.org>

Tue, Jun 27, 2017 at 11:16 AM

To: Media <media@senatorada.org>, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, John Arroyo <jarroyo@tgguaam.net>, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, "John Thos. Brown" <jngo@ozemail.com.au>, dfbrooks@guamopa.com, arcesq@hotmail.com, Sandra Miller <sandra.miller@guam.gov>, Jessica Toft <jtoft@guamag.org>, law@guamag.org, claudia.acfalle@gsa.guam.gov, robert.kono@gsa.guam.gov, Glenn LG <glenn.leonguerrero@dpw.guam.gov>, felix.benavente@dpw.guam.gov, info@guamchamber.com.gu, afduenas@portguam.com, vincentg@guamwaterworks.org, vborja@triton.uog.edu, frankpt@guamairport.net, jpangelinan@gpagwa.com, "Priscilla K. Rideb" <priscilla@ghura.org>, procurement@gdoe.net, ed@guamwcc.com, jvy@cccguam.org, ceo@guamrealtors.com, admin1@guamrealtors.com, phnotice@guamlegislature.org, horeckylaw@teleguam.net, pikapilarfejeran@gmail.com, primosequipment@yahoo.com, grcguam@gmail.com, MELISSA SAVARES <melissa.savares@gmail.com>, ruth.sakuma@land.guam.gov, ibc@inland.com.gu, chief@gpd.guam.gov, joseph.i.cruz@gpd.guam.gov, andrew.quitugua@gpd.guam.gov, Mayor Rudy <yigomayorsoffice@gmail.com>, Anthony Sanchez <yigovoice@gmail.com>, alison.hadley@guamanimals.org, cyrus.luhr@guamanimals.org, lenc@calvoent.com, John Camacho <johnmcamacho@yahoo.com>, lupe.mesa.lprealty@gmail.com, deemesa@yahoo.com, borjanick@yahoo.com, richard.taitano@yahoo.com, deorocarmen@yahoo.com, dungca2011@gmail.com, calabria188@gmail.com, bpangelinan@midpacguam.com, talofomayor@gmail.com, matt.sablan@agriculture.guam.gov, chargualafb@gmail.com, a8783@teleguam.net, racalvo671@gmail.com, carolcsablan@hotmail.com, bflg@live.com, Umatac Mayor <umatacmo@gmail.com>, mayorenestc@yhaoo.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, robert.lizama@dpr.guam.gov, borjajohn@hotmail.com, manny.cruz@bsp.guam.gov, lolalg@bsp.guam.gov, mpduenas77@gmail.com, jbiggs@triton.uog.edu, teresa.topasna@land.guam.gov, superintendent@gdoe.net, jonfernandez@gdoe.net, Walter Leon Guerrero <walter.leonguerrero@epa.guam.gov>, yvette.cruz@epa.guam.gov, jay.rojas@investguam.com, mana.silvataijeron@investguam.com, pallen@pernixgroup.com, main@coretechintl.com, admin@gffi.net, admin@guamopa.com, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, robert.kono@gsa.guam.com, mcogadmin@teleguam.net, tony.ada@guam.gov, mark.mendiola@investguam.com, pdada@gdoe.net, ccastro@guamchamber.com.gu, rdalgado@guamchamber.com.gu, pattim@bankpacific.com, philipf@bankpacific.com, jtang@civilletang.com, marie@guam-peals.org, ray@guam-peals.org, mtmmayorpaco17@gmail.com

June 27, 2017

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing: Wednesday, July 5, 2017 at 9:00 a.m.**

Please be advised that the Committee on Environment, Lands, Agriculture, and Procurement Reform will be conducting a public hearing on **Wednesday, July 5, 2017 at 9:00 a.m.** This hearing will take place in *I Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

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9:00am

-

Bill No.49-34 (COR), As Substituted – T.A. Morrison

An act to *amend* § 5213 of Subarticle B, Article 3, Chapter 5, Division 1, Title 5, Guam Code Annotated, relative to small purchases.

-

Bill No. 86-34 (COR), As Corrected by the Prime Sponsor – W. M. Castro / J. S. San Agustin / L. B. Muna / T. 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.

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Bill No. 98-34 (LS) – D.G. Rodriguez, Jr. / J.S. San Agustin

An act to add new subsections 75122(c)(21), 75122(c)(21)(a), and 75122(c)(21)(b), to Chapter 75 of Title 21, Guam Code Annotated, relative to authorizing the Chamorro Land Trust Commission (CLTC) to amend an existing license agreement; to establish CLTC credit in lieu of cash payment in accordance with license agreement; and to provide that the CLTC credits established herein are assignable to a third party or parties.

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Bill No.105-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction to a portion of Lot 7054-R5 that is about 3.5 acres in the Municipality of *Yigo*, as shown on DLM Map No. 167FY93 to the Office of the Chief of Police, Guam Police Department.

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Bill No.106-34 (COR) – T.C. Ada

An act to *add* a new § 61218 to Article 2 of Chapter 61, Title 21, Guam Code Annotated, relative to rezoning Lot Naval Air Station *Agaña* 13 (officers' housing area) from Agricultural (A) zone to Residential (R-2).

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Bill No.107-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction of those portions of Lot 5, Block 15, Tract 2831, Municipality of *Talofoto* that are not currently leased out, to the Office of the Mayor, Municipality of *Talofoto* and the *Talofoto* Municipal Planning Council for agriculture purposes.

Bill No.115-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction of Lot 8, Block 5-A, Tract 3241-A, Municipality of *Umatac* to the Office of the Mayor and the Municipal Planning Council of the Municipality of *Umatac*.

Bill No.134-34 (LS) – T.C. Ada

An act to amend public law 34-19, relative to providing authority for GEDA to act as contractor in connection with the








renovation and construction of an education facility for Simon Sanchez High School and to issue bonds to finance the same.


Testimony on **Bill No. 49-34 (COR)**, **Bill No. 86-34 (COR)**, **Bill No. 98-34 (LS)**, **Bill No. 105-34 (COR)**, **Bill No. 106-34 (COR)**, **Bill No. 107-34 (COR)**, **Bill No. 115-34 (COR)** and **Bill No. 134-34 (LS)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, *Hagåtña*, Guam 96910, via email to office@senatorada.org, or via facsimile to (671) 473-3303 no later than 4pm, July 12, 2017.


In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

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Thank You,
Richard Salas
Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Kuattro na Liheslaturan Guåhan - 34rd Guam Legislature
Office (671) 473-3301

9 attachments

-  **1st.notice copy.pdf**
113K
-  **Bill No. 86-34 (COR) new.pdf**
481K
-  **Bill No. 98-34 (LS).pdf**
315K
-  **Bill No. 105-34 (COR).pdf**
212K
-  **Bill No. 106-34 (COR).pdf**
902K
-  **Bill No. 107-34 (COR).pdf**
713K
-  **Bill No. 115-34 (COR).pdf**
197K
- Bill No. 134-34 (COR).pdf**

 507K

 **Bill No. 49-34 (COR) new.pdf**
121K




Sen. Thomas Ada
Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform
I Mina Trentai Kuatro Na Libeslaturan Guahan • 34th Guam Legislature

June 27, 2017

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Thomas C. Ada, *Chairperson* 

Subject: **1st Notice of Public Hearing: Wednesday, July 5, 2017 at 9:00 a.m.**

Please be advised that the Committee on Environment, Lands, Agriculture, and Procurement Reform will be conducting a public hearing on **Wednesday, July 5, 2017 at 9:00 a.m.** This hearing will take place in *I Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

9:00am

Bill No. 49-34 (COR), As Substituted – T.A. Morrison

An act to *amend* § 5213 of Subarticle B, Article 3, Chapter 5, Division 1, Title 5, Guam Code Annotated, relative to small purchases.

Bill No. 86-34 (COR), As Corrected by the Prime Sponsor – W. M. Castro / J. S. San Agustin / L. B. Muna / T. 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.

Bill No. 98-34 (LS) – D.G. Rodriguez, Jr. / J.S. San Agustin

An act to add new subsections 75122(c)(21), 75122(c)(21)(a), and 75122(c)(21)(b), to Chapter 75 of Title 21, Guam Code Annotated, relative to authorizing the Chamorro Land Trust Commission (CLTC) to amend an existing license agreement; to establish CLTC credit in lieu of cash payment in accordance with license agreement; and to provide that the CLTC credits established herein are assignable to a third party or parties.

Bill No. 105-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction to a portion of Lot 7054-R5 that is about 3.5 acres in the Municipality of *Yigo*, as shown on DLM Map No. 167FY93 to the Office of the Chief of Police, Guam Police Department.

Bill No. 106-34 (COR) – T.C. Ada

An act to *add* a new § 61218 to Article 2 of Chapter 61, Title 21, Guam Code Annotated, relative to rezoning Lot Naval Air Station *Agaña* 13 (officers' housing area) from Agricultural (A) zone to Residential (R-2).

Bill No. 107-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction of those portions of Lot 5, Block 15, Tract 2831, Municipality of *Talofof* that are not currently leased out, to the Office of the Mayor, Municipality of *Talofof* and the *Talofof* Municipal Planning Council for agriculture purposes.

Bill No. 115-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction of Lot 8, Block 5-A, Tract 3241-A, Municipality of *Umatac* to the Office of the Mayor and the Municipal Planning Council of the Municipality of *Umatac*.

Bill No. 134-34 (LS) – T.C. Ada

An act to amend public law 34-19, relative to providing authority for GEDA to act as contractor in connection with the renovation and construction of an education facility for Simon Sanchez High School and to issue bonds to finance the same.

Testimony on **Bill No. 49-34 (COR)**, **Bill No. 86-34 (COR)**, **Bill No. 98-34 (LS)**, **Bill No. 105-34 (COR)**, **Bill No. 106-34 (COR)**, **Bill No. 107-34 (COR)**, **Bill No. 115-34 (COR)** and **Bill No. 134-34 (LS)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, *Hagåtña*, Guam 96910, via email to office@senatorada.org, or via facsimile to (671) 473-3303 no later than 4pm, July 12, 2017.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.



Sen. Thomas Ada
Committee on Environment, Land, Agriculture,
and Procurement Reform

Public Hearing Notice
Wednesday, July 5, 2017

Liheslaturan Guahan, Public Hearing Room

AGENDA

9:00am

Bill No. 49-34 (COR) As Substituted – An act to amend § 5213 of Subart. B, Art. 3, Ch. 5, Div. 1, 5GCA, relative to small purchases. – T.A. Morrison

Bill No. 86-34 (COR) As Corrected by the Prime Sponsor – An act to add a new subsection (d) (cc) to § 63101 and new § 63117.1 and § 63117.2 to Ch. 63, 5GCA, relative to community-based fisheries management. This act shall be known and cited as the Marine Conservation Act of 2017. – W. M. Castro / J. S. San Agustin / L. B. Muna / T. A. Morrison

Bill No. 98-34 (LS) – An act to add new subsections 75122(c)(21), 75122(c)(21)(a), and 75122(c)(21)(b), to Ch. 75 of 21GCA relative to authorizing the Chamorro Land Trust Commission (CLTC) to amend an existing license agreement; to establish CLTC credit in lieu of cash payment in accordance with license agreement; and to provide that the CLTC credits established herein are assignable to a third party or parties. – D.G. Rodriguez, Jr. / J.S. San Agustin

Bill No. 105-34 (COR) – An act to grant administrative jurisdiction to a portion of Lot 7054-R5 that is about 3.5 acres in the Municipality of Yigo, as shown on DLM Map No. 167FY93 to the Office of the Chief of Police, Guam Police Department. – T. Ada

Bill No. 106-34 (COR) – An act to add a new § 61218 to Art. 2 of Ch. 61, 21GCA, relative to rezoning Lot Naval Air Station Agaña 13 (officers' housing area) from Agricultural (A) zone to Residential (R-2). – T. Ada

Bill No. 107-34 (COR) – An act to grant administrative jurisdiction of those portions of Lot 5, Block 15, Tract 2831, Municipality of Talofofo that are not currently leased out to the Office of the Mayor, Municipality of Talofofo and the Talofofo Municipal Planning Council for agriculture purposes. – T. Ada

Bill No. 115-34 (COR) – An act to grant administrative jurisdiction of Lot 8, Block 5-A, Tract 3241-A, Municipality of Umatac to the Office of the Mayor and the Municipal Planning Council of the Municipality of Umatac. – T. Ada

Bill No. 134-34 (COR) – An act to amend public law 34-19, relative to providing authority for GEDA to let a contractor in connection with the renovation and construction of an education facility for Simon Sanchez High School and to issue bonds to finance the same. – T.C. Ada

Individuals requiring special accommodations should submit request to Rick Salas at 473-3301.
Paid for by Committee funds.

www.senatorada.org

GDP June 27, 2017



Senator Tom Ada

Richard Salas <rsalas@senatorada.org>

2nd Notice of Public Hearing: Wednesday, September 20, 2017 at 9:00 a.m.

1 message

Charlene Flores <flores@senatorada.org>

Mon, Sep 18, 2017 at 8:16 AM

To: Media <media@senatorada.org>, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, pikapilarfejeran@gmail.com, ruth.sakuma@land.guam.gov, John Arroyo <jarroyo@tgguaam.net>, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, MCOG Secretary Elaine <mcogadmin@teleguam.net>, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, "Ronald T. Laguana" <ronbo.laguana@gmail.com>, joseph.santos@hrr.guam.gov, rkarabao@mac.com, Hope Cristobal <hcrisobalmom@gmail.com>, ted@tdnrealty.com, Benny Chargualaf <chargualafb@gmail.com>, a8783@teleguam.net, racalvo671@gmail.com, bflg@live.com, Strongdiver44 <strongdiver44@gmail.com>, A Gogue <magahet4@gmail.com>, Ken Leon-Guerrero <kenleonguerrero@yahoo.com>, tony.ada@guam.gov, Southern Guam SWCD <southernguamswcd@gmail.com>, Angelita Mendiola <a8783@hotmail.com>, Jonathan Manglona <jonmanglona@gmail.com>, Linda Reyes <lindareyes9@hotmail.com>, SGSWCD Carol Tayama <carolcsablan@hotmail.com>, ceo@guamrealtors.com, garadmin@guamrealtors.com, emma_collado@ymail.com, Benjamin Simpson <benjibass@gmail.com>, phnotice@guamlegislature.org

September 18, 2017

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing: Wednesday, September 20, 2017 at 9:00 a.m.**

The Committee on Environment, Lands, Agriculture, and Procurement Reform will be conducting a public hearing on **Wednesday, September 20, 2017 at 9:00 a.m.** This hearing will take place in *I Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

9:00 am

Bill No. 161-34 (COR) – An act to **transfer Lot 5173 NEW-2-R2**, known as the *Tamuning* multi-purpose field, **and portion of Lot 5173-NEW-3**, from the **Chamorro Land Trust inventory** to the jurisdiction and responsibility of the ***Tamuning Mayor's Office***. - J.S. San Agustin / W.M. Castro / D.G. Rodriguez, Jr.

~~**Bill No. 166-34 (COR)** – An act to **amend § 60401** of Article 4, Chapter 60, Title 21, Guam Code Annotated, relative to the **composition of the Guam Land Use Commission**. — F.B. Aguon, Jr. (rescheduled at the request of the sponsor)~~

Bill No. 170-34 (COR) – An act to amend § 71101(c) of Chapter 71 of Title 5, Guam Code Annotate, relative to designating, specifying, and **delineating the area for the Northern Soil and Water Conservation District and the Southern Soil and Water Conservation District**. - T.C. Ada

Bill No. 171-34 (COR) – An act to **authorize the Governor** of Guam to **exchange a** portion of land reserved for land exchanges for **private property** needed by the government of Guam **for a ponding basin**. - T.C. Ada

Bill No. 172-34 (COR) – An act to **authorize the expenditure** of thirty-four thousand three hundred twelve dollars (\$34,312) **from the Chamorro Land Trust Survey and Infrastructure Fund** to pay for **leasehold improvements on Chamorro Land Trust Commission (CLTC)** leased Lot 11, Block 2, Tract 10314, Municipality of *Dededo*, that is being voluntarily surrendered by CLTC lessee. - T.C. Ada

Testimony on **Bill No. 161-34 (COR)**, **Bill No. 170-34 (COR)**, **Bill No. 171-34 (COR)** and **Bill No. 172-34 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, *Hagåtña*, Guam 96910, via email to office@senatorada.org, or via facsimile to (671) 473-3303 no later than 4pm, September 27, 2017.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

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Charlene Flores
Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Kuåttro na Liheslaturan Guåhan - 34th Guam Legislature



Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuatro Na Libeslaturan Guahan • 34th Guam Legislature

June 30, 2017

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing: Wednesday, July 5, 2017 at 9:00 a.m.**

Please be advised that the Committee on Environment, Lands, Agriculture, and Procurement Reform will be conducting a public hearing on **Wednesday, July 5, 2017 at 9:00 a.m.** This hearing will take place in *I Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

9:00am

Bill No. 105-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction to a portion of Lot 7054-R5 that is about 3.5 acres in the Municipality of *Yigo*, as shown on DLM Map No. 167FY93 to the Office of the Chief of Police, Guam Police Department.

Bill No. 134-34 (COR) – T.C. Ada (WITHDRAWN JUNE 29, 2017)

~~An act to amend public law 34-19, relative to providing authority for GEDA to act as contractor in connection with the renovation and construction of an education facility for Simon Sanchez High School and to issue bonds to finance the same.~~

Bill No. 106-34 (COR) – T.C. Ada

An act to *add* a new § 61218 to Article 2 of Chapter 61, Title 21, Guam Code Annotated, relative to rezoning Lot Naval Air Station *Agaña* 13 (officers' housing area) from Agricultural (A) zone to Residential (R-2).

Bill No. 49-34 (COR), As Substituted – T.A. Morrison

An act to *amend* § 5213 of Subarticle B, Article 3, Chapter 5, Division 1, Title 5, Guam Code Annotated, relative to small purchases.

Bill No. 86-34 (COR), As Corrected by the Prime Sponsor – W. M. Castro / J. S. San Agustin / L. B. Muna / T. 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.

Bill No. 98-34 (LS) – D.G. Rodriguez, Jr. / J.S. San Agustin (RESCHEDULED)

An act to add new subsections 75122(e)(21), 75122(e)(21)(a), and 75122(e)(21)(b), to Chapter 75 of Title 21, Guam Code Annotated, relative to authorizing the Chamorro Land Trust Commission (CLTC) to amend an existing license agreement; to establish CLTC credit in lieu of cash payment in accordance with license agreement; and to provide that the CLTC credits established herein are assignable to a third party or parties.

Bill No. 107-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction of those portions of Lot 5, Block 15, Tract 2831, Municipality of *Talofofo* that are not currently leased out, to the Office of the Mayor, Municipality of *Talofofo* and the *Talofofo* Municipal Planning Council for agriculture purposes.

Bill No. 115-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction of Lot 8, Block 5-A, Tract 3241-A, Municipality of *Umatac* to the Office of the Mayor and the Municipal Planning Council of the Municipality of *Umatac*.

Testimony on **Bill No. 49-34 (COR), Bill No. 86-34 (COR), ~~Bill No. 98-34 (LS)~~, Bill No. 105-34 (COR), Bill No. 106-34 (COR), Bill No. 107-34 (COR), Bill No. 115-34 (COR) and Bill No. 134-34 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, *Hagåtña*, Guam 96910, via email to office@senatorada.org, or via facsimile to (671) 473-3303 no later than 4pm, July 12, 2017.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.



Sen. Thomas Ada
Committee on Environment, Land, Agriculture,
and Procurement Reform

Public Hearing Notice
Wednesday, July 5, 2017

I Liheslaturan Guahan, Public Hearing Room

AGENDA

9:00am

Bill No. 105-34 (COR) – An act to grant administrative jurisdiction to a portion of Lot 7054-R5 that is about 3.5 acres in the Municipality of Yigo, as shown on DLM Map No. 167FY93 to the Office of the Chief of Police, Guam Police Department. – T. Ada

Bill No. 134-34 (LS) – An act to amend public law 34-19, relative to providing authority for GEDA to act as contractor in connection with the renovation and construction of an education facility for Simon Sanchez High School and to issue bonds to finance the same. – T.C. Ada

Bill No. 106-34 (COR) – An act to add a new § 61218 to Art. 2 of Ch. 61, 21GCA, relative to rezoning Lot Naval Air Station *Agaña* 13 (officers' housing area) from Agricultural (A) zone to Residential (R-2). – T. Ada

Bill No. 42-34 (COR) As Substituted – An act to amend § 5213 of Subart. B, Art. 3, Ch. 5, Div. 1, 5GCA, relative to small purchases. – T.A. Morrison

Bill No. 96-34 (COR) As Corrected by the Prime Sponsor – An act to add a new subsection (d) (cc) to § 63101 and new § 63117.1 and § 63117.2 to Ch. 63, 5GCA, relative to community-based fisheries management. This act shall be known and cited as the Marine Conservation Act of 2017. – W. M. Castro / J. S. San Agustin / L. B. Muña / T. A. Morrison

Bill No. 98-34 (LS) – An act to add new subsections 75122(c)(21), 75122(c)(21)(a), and 75122(c)(21)(b), to Ch. 75 of 21GCA relative to authorizing the Chamorro Land Trust Commission (CLTC) to amend an existing license agreement; to establish CLTC credit in lieu of cash payment in accordance with license agreement; and to provide that the CLTC credits established herein are assignable to a third party or parties. – D.G. Rodriguez, Jr. / J.S. San Agustin

Bill No. 107-34 (COR) – An act to grant administrative jurisdiction of those portions of Lot 5, Block 15, Tract 2831, Municipality of *Talofofo* that are not currently leased out, to the Office of the Mayor, Municipality of *Talofofo* and the *Talofofo* Municipal Planning Council for agriculture purposes. – T. Ada

Bill No. 115-34 (COR) – An act to grant administrative jurisdiction of Lot 8, Block 5-A, Tract 3241-A, Municipality of *Umatac* to the Office of the Mayor and the Municipal Planning Council of the Municipality of *Umatac*. – T. Ada

Individuals requiring special accommodations should submit request to Rick Salas at 473-3301.

Paid for by Committee funds.

www.senatorada.org

GDP June 30, 2017



Sen. Thomas Ada
Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform
I Mina Trentai Kuatro Na Liheslaturan Guahan • 34th Guam Legislature

AGENDA

PUBLIC HEARING

Wednesday, July 5, 2017

I Liheslaturan Guahan, Public Hearing Room

The agenda is as follows:

9:00am

Bill No. 105-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction to a portion of Lot 7054-R5 that is about 3.5 acres in the Municipality of *Yigo*, as shown on DLM Map No. 167FY93 to the Office of the Chief of Police, Guam Police Department.

Bill No. 134-34 (COR) – T.C. Ada (WITHDRAWN JUNE 29, 2017)

~~An act to amend public law 34-19, relative to providing authority for GEDA to act as contractor in connection with the renovation and construction of an education facility for Simon Sanchez High School and to issue bonds to finance the same.~~

Bill No. 106-34 (COR) – T.C. Ada

An act to *add* a new § 61218 to Article 2 of Chapter 61, Title 21, Guam Code Annotated, relative to rezoning Lot Naval Air Station *Agaña* 13 (officers' housing area) from Agricultural (A) zone to Residential (R-2).

Bill No. 49-34 (COR), As Substituted – T.A. Morrison

An act to *amend* § 5213 of Subarticle B, Article 3, Chapter 5, Division 1, Title 5, Guam Code Annotated, relative to small purchases.

Bill No. 86-34 (COR), As Corrected by the Prime Sponsor – W. M. Castro / J. S. San Agustin / L. B. Muna / T. 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.

Bill No. 98-34 (LS) – D.G. Rodriguez, Jr. / J.S. San Agustin (RESCHEDULED)

~~An act to add new subsections 75122(e)(21), 75122(e)(21)(a), and 75122(e)(21)(b), to Chapter 75 of Title 21, Guam Code Annotated, relative to authorizing the Chamorro Land Trust Commission (CLTC) to amend an existing license agreement; to establish CLTC credit in lieu of cash payment in accordance with license agreement; and to provide that the CLTC credits established herein are assignable to a third party or parties.~~

Bill No. 107-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction of those portions of Lot 5, Block 15, Tract 2831, Municipality of *Talofof* that are not currently leased out, to the Office of the Mayor, Municipality of *Talofof* and the *Talofof* Municipal Planning Council for agriculture purposes.

Bill No. 115-34 (COR) – T.C. Ada

An act to grant administrative jurisdiction of Lot 8, Block 5-A, Tract 3241-A, Municipality of *Umatac* to the Office of the Mayor and the Municipal Planning Council of the Municipality of *Umatac*.

Committee on Environment, Land, Agriculture and Procurement Reform
 Public Hearing
 July 5, 2017
 9:00am
 I Liheslaturan Guahan, Public Hearing Room

Bill No. 86-34 (COR), As Corrected by the Prime Sponsor – W. M. Castro / J. S. San Agustin / L. B. Muna / T. 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.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	EMAIL ADDRESS or CONTACT NUMBER
Manny Cruz	BSP	✓	✓	✓		manny.cruz@bsp.guam.gov
Matt Sablan	DoAgriculture	✓	✓			matt.sablan12@yahoo.com
Alice Yi	PUBLIC POLICY INSTITUTE	✓	✓	✓		aliceyi101@gmail.com
IVAN SKVARIL	PUBLIC POLICY INSTITUTE	✓	✓	✓		ivansedits@live.com



Eddie Baza Calvo
Governor

Raymond S. Tenorio
Lieutenant Governor

Department of Agriculture Dipattamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913



Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

Director's Office	300-7964, 65, 66; Fax 734-6569
Agricultural Development Services	300-7967, 71
Plant Nursery	300-7972
Aquatic & Wildlife Resources	735-0294/0281; Fax: 734-6570
Forestry & Soil Resources	300-7975,76; Fax: 734-0111
Plant Inspection Facility	475-1426/27; FAX: 477-9487

www.guamagriculture.org

TESTIMONY BEFORE THE
COMMITTEE ON ENVIRONMENT, LAND
AGRICULTURE & PROCUREMENT REFORM
34TH GUAM LEGISLATURE
PUBLIC HEARING ROOM
WEDNESDAY, JULY 05, 2017

Mr. Chairman and Members of the Committee:

Buenas yan Hafa Adai! I am Matthew L.G. Sablan, the Director of the Guam Department of Agriculture (DOAg). I come before your Committee to testify on Bill No. 86-34(COR), an act relative to Community-Based Fisheries Management, known and cited as the Marine Conservation Act of 2017.

I am in support of this Bill but with the following concerns:

1. The Department would need to provide technical assistance to the community of Humatak in the development of the community based management plan. This would only be minimal fiscal impact since the community would be responsible for writing and moving the plan forward.
2. Monitoring of the resources in Humatak such as fish and coral stocks is suppose to be the responsibility of the community. If so, then there would be minimal impact to the Department. However, as mentioned because a plan hasn't been developed, it is uncertain what the fiscal impacts would be in regard to DOAg monitoring the resources. It is uncertain what resources DOAg would have to monitor.
3. Enforcement of violations. The Bill needs to state specifically if DOAg's conservation officers are enforcing any violations or is it going to be the community. If the community enforces violations, then there shouldn't be any fiscal impacts to DOAg. If DOAg enforces violations, there would be fiscal impacts as more conservation officers may be needed to patrol and respond to violations. Additional resources may be needed as well to include vehicles, maintenance, firearms, uniforms. etc.

Thank you for providing me with the opportunity to offer testimony on Bill No. 86-34(COR). Si Yu'us Ma'ase!


MATTHEW L.G. SABLAN

**BUREAU OF STATISTICS AND PLANS
GOVERNMENT OF GUAM**

**TESTIMONY
before the
COMMITTEE ON ENVIRONMENT, LAND,
AGRICULTURE AND PROCUREMENT REFORM
34TH GUAM LEGISLATURE
Guam Congress Building
Wednesday, July 5, 2017**

Buenas and Hafa Adai!

Mr. Chairman and Members of the Committee:

My name is Manny Cruz, Deputy Director and Acting Director, Bureau of Statistics and Plans. I come before your Committee to testify in support of Bill No. 86-34 (COR), “an act to *add* a new Subsection (cc) to Section 63101 and a new Section 63117.1 and Section 63117.2 to Chapter 63, Title 5 of the Guam Code Annotated (GCA), relative to community-based fisheries management. This act shall be known and cited as the marine Conservation Act of 2017.” The act authorizes the development of a community-driven fisheries management plan and empowers members of the *Humatak* community to effectively manage the protection and conservation of its marine resources and ecosystem.

The Bureau supports the intent of Bill No. 86-34 as it calls for strong community support and participation to address emerging ocean and coastal marine issues in order to achieve sustainable fisheries, preserve traditional cultural practices and promote economic diversification and development. Although the bill’s intent is to preserve and protect *Humatak’s* marine ecosystem, the Bureau finds several concerns with the enactment of Bill No. 86-34. Our concerns are as follows:

1. The bill cites reference to the creation of the “Marine Conservation Act of 2017”. There currently exists similar reference to the Guam Ocean and Fisheries Conservation Act of 2015 (Public Law 33-144) with respect to the “conservation and development of Guam’s ocean, fisheries, and marine resources”. While specific elements of Bill No. 86-34 differs from Public Law 33-144, the Ocean and Fisheries Conservation Act of 2015 is already established and emphasizes the protection of our island’s marine resources. A suggestion is to remove the “Marine Conservation Act of 2017” from the language on Bill No. 86-34.

2. The bill, as written, cites that the Director of the Guam Department of Agriculture, Mayors and Municipal Planning Councils, shall have the authority to designate community-based fisheries managed areas and plans. The bill does not mention the involvement of the Fishermen's Cooperative, UOG Marine Laboratory, Western Pacific Regional Fisheries Council (WESPAC), and other fisheries organizations in the technical planning for the designation of managed areas and plans. While the intent is to have our coastal villages involved in managing resources within their surrounding waters, the technical expertise and knowledge of local and federal laws protecting such resources are lacking at this level and the Guam Department of Agriculture does not have the capacity or resources to take the lead on this. Any managed strategy or plan to this effect without the technical input from fisheries experts may be contrary to any federal or local mandate in existence.

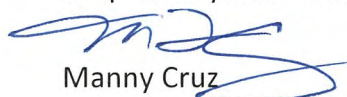
3. The Bureau supports the inclusion of the community to take ownership of their environment and to manage their resources for the overall benefit of the community. This bottom up approach of having direct community involvement in the development of the plan to identify priority areas and address issues of concern will encourage full support from the *Humatak* residents to support the plan and to take action. The concern we have rests with the enforcement and monitoring of marine and fisheries areas. Although the community will be charged with enforcing the plan, the duties regarding enforcement and protection of aquatic and wildlife will rest with law enforcement agencies, including the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources (DAWR), Conservation Law Enforcement Section, the U.S. Fish and Wildlife Service, and the U.S. Coast Guard. Bill No. 86-34 made reference to the threats of the ecosystem to be far too great for any one entity to manage and enforce. Currently, the Guam Department of Agriculture does not have sufficient manpower and equipment to ensure the protection of Guam's natural and marine environment, including the *Humatak* area. The Bureau recommends a funding provision in the bill to provide support to the Guam Department of Agriculture's Civilian Volunteer Reserve Conservation Officer Program. This will provide "backup manpower for the suppression of fish and wildlife crime, preservation of law and order, and to assist in civil emergencies" (5 GCA, Chapter 63, Section 63103.1). These Civilian Volunteer Reserve Conservation Officers have the ability to exercise the same functions of a deputized Conservation Officer. The monitoring and enforcement of the rules and regulations associated with the protection of our ocean and marine resources must be supported by an appropriate, sustainable funding source. The additional funding will provide the *Humatak* community with additional law enforcement support of its residents to serve as Civilian Volunteer Conservation officers. Communities who play an active role in protecting their environment will motivate others to do the same.

4. The bill, as written, calls for the Mayor and the Municipal Planning Council (MPC) of *Humatak* to develop a community-based *Humatak* Fisheries Management Plan with technical assistance from the Director of the Guam Department of Agriculture (DoAg) and the Director of the Bureau of Statistics and Plans (BSP). The Bureau recommends identifying a funding source for the *Humatak* Mayor and MPC to obtain technical consultancy support to guide the *Humatak* community in the following:
- to coordinate and facilitate community workshops and/or meetings to engage the community to prioritize issues, set goals and objectives for the Plan;
 - to coordinate and facilitate meetings and discussions with the DoAg, BSP, University of Guam (UOG), WESPAC, fisheries organizations (federal and local), and other Non-Governmental Organizations (NGO's) for the mapping, resource information (data), scientific research and studies of aquatic life and habitat of the *Humatak* area for technical advice and information for the Plan contents;
 - to produce the Community-Based *Humatak* Fisheries Management Plan;
 - to assist the *Humatak* Mayor and the MPC to develop the rules and regulations for the Plan, if applicable, in accordance with the Administrative Adjudication Act, process; and
 - to assist the *Humatak* Mayor and the MPC in carrying out the provisions of the Plan in accordance with the Administrative Adjudication Act process.
5. It should be noted that Bill No. 86-34 does not reference any supporting information to affirm the need for a community-based plan in the village of *Humatak*. Although, the Bureau recognizes the importance of maintaining a healthy and vibrant coral reef and marine ecosystem in our communities, the bill should cite scientific evidence that supports an at-risk or overfished marine ecosystem in this area of Guam. Without existing or base-line data, it will be difficult to determine the impacts of the Plan, when approved and implemented.

In closing, the Bureau again agrees that the support and participation of the residents of the village of *Humatak* is paramount in securing a sustainable future for its residents.

Mr. Chairman and Members of the Committee, thank you and Si Yu'os Ma'ase for the opportunity to provide this testimony on Bill No. 86-34 (COR).

Respectfully submitted,


Manny Cruz

Eddie Baza Calvo
Governor of Guam



**BUREAU OF
STATISTICS & PLANS**
SAGAN PLANU SIHA YAN EMFOTMASION



Ray Tenorio
Lieutenant Governor

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Manuel Q. Cruz
Deputy Director

7/3/17
RECEIVED by the
Office of Senator
Thomas C. Ada

JUL 03 2017

Honorable Thomas C. Ada
Chairperson, Committee on Environment, Land,
Agriculture and Procurement Reform
34th Guam Legislature
173 Aspinall Avenue
Suite 207, Ada Plaza Center
Hagatna, Guam 96910

RE: BILL 86-34 (COR) AN ACT TO ADD A NEW SUBSECTION (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

Hafa Adai Senator Ada:

The Bureau of Statistics and Plans (BSP) is pleased to present testimony which authorizes the development of a community-driven fisheries management plan and empowers members of the *Humatak* community to effectively manage the protection and conservation of its marine resources and ecosystem. In its capacity, the BSP serves as a technical assistance provider by making available data and resources to assist government entities and planning bodies with their research and planning needs.

The BSP supports the intent of Bill 86-34 as it calls for strong community support and participation to address emerging ocean and coastal marine issues in order to achieve sustainable fisheries, preserve traditional cultural practices and promote economic diversification and development. Although the bill's intent is to preserve and protect *Humatak's* marine ecosystem, the BSP finds several concerns with the enactment of Bill No. 86-34. The BSP's concerns are as follows:

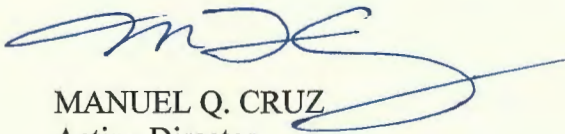
1. The bill cites reference to the creation of the "Marine Conservation Act of 2017". There currently exists similar reference to the Guam Ocean and Fisheries Conservation Act of 2015 (Public Law 33-144) with respect to the "conservation and development of Guam's ocean, fisheries, and marine resources". While specific elements of Bill 86-34 differs from Public Law 33-144, the Guam Ocean and Fisheries Conservation Act of 2015 is already established and emphasizes the protection of our island's marine resources. A suggestion is to remove the "Marine Conservation Act of 2017" from the language on Bill 86-34.

2. The bill, as written, cites that the Director of Agriculture, Mayors and Municipal Planning Councils Mayor shall have the authority to designate community-based fisheries managed areas and plans. The bill does not mention the involvement of the Fishermen's Cooperative, UOG Marine Laboratory, Western Pacific Regional Fisheries Management Council (WPRFMC) and other fisheries organization in the technical planning for the designation of managed areas and plans. While the intent is to have our coastal villages involved in managing resources within their surrounding waters, the technical expertise and knowledge of local and federal laws protecting such resources are lacking at this level and the Department of Agriculture does not have the capacity or resources to take the lead on this. Any managed strategy or plan to this effect without the technical input from fisheries experts may be contrary to any federal or local mandate in existence.
3. The BSP supports the inclusion of the community to take ownership of their environment and to manage their resources for the overall benefit of the community. This bottom up approach of having direct community involvement in the development of the plan to identify priority areas and address issues of concern will encourage full support from the *Humatak* residents to support the plan and take action. The concern we have rests with the enforcement and monitoring of marine areas. Although the community will be charged with enforcing the plan, the duties regarding enforcement and protection of aquatic and wildlife will rest with law enforcement agencies including the Department of Agriculture, Division of Aquatic and Wildlife Resources' (DAWR) Conservation Law Enforcement Section. Bill No. 86-34 references the threats of the ecosystem to be far too great for any one entity to manage and enforce. Currently, the Department of Agriculture does not have sufficient manpower and equipment to ensure the protection of Guam's natural and marine environment, including the *Humatak* area. BSP recommends a funding provision in the legislation to provide support to the Department of Agriculture's Civilian Volunteer Conservation Officer Reserve Program. This will provide "backup manpower for the suppression of fish and wildlife crime, preservation of law and order, and to assist in civil emergencies." (5 GCA, Chapter 63, §63103.1) These Civilian Volunteer Conservation Officers have the ability to exercise the same functions of a deputized Conservation Officer. The monitoring and enforcement of the rules and regulations associated with the protection of our ocean and marine resources must be supported by an appropriate, sustainable funding source. The additional funding will provide the *Humatak* community with additional law enforcement support of its residents to serve as Civilian Volunteer Conservation Officers. Communities who play an active role in protecting their environment will motivate others to do the same.
4. The bill as written calls for the Mayor and Municipal Planning Council (MPC) of *Humatak* to develop a community based *Humatak* Fisheries Management Plan with technical assistance from the Director of the Department of Agriculture (DoAg) and the Director of the Bureau of Statistics and Plans (BSP). BSP recommends identifying a funding source for the *Humatak* Mayor and MPC to obtain technical consultancy support to guide the *Humatak* community in the following:
 - to coordinate and facilitate community workshops and or meetings to engage the community to prioritize issues, set goals and objectives for the Plan;

- to coordinate and facilitate meetings and discussions with the DoAg, BSP, University of Guam, WPRFMC, fisheries organization and other Non-Governmental Organizations for the mapping, resource information (data), scientific research and studies of aquatic life and habitat of the *Humatak* area for technical advice and information for the Plan contents;
 - to produce the Community Based *Humatak* Fisheries Management Plan;
 - to assist the *Humatak* Mayor and the MPC to develop rules and regulation for the Plan, if applicable, in accordance with the Administrative Adjudication Act process; and
 - to assist the *Humatak* Mayor and the MPC in carrying out the provisions of the Plan in accordance with the Administrative Adjudication Act process.
5. Bill No. 86-34 does not reference supporting information to affirm the need for a community-based plan in *Humatak*. Although the BSP recognizes the importance of maintaining a healthy and vibrant coral reef and marine ecosystem in our communities, the bill should cite scientific evidence that supports an at-risk or overfished marine ecosystem in this area. Without existing or baseline data, it will be difficult to determine the impacts of the plan when implemented.

The BSP agrees that support and participation from the residents of *Humatak* is paramount in securing a sustainable future for its residents. Thank you for the opportunity to provide written testimony on Bill 86-34 (COR).

Si Yu'os Ma'ase,



MANUEL Q. CRUZ
Acting Director

Alice Yi
Senator Castro
Guam Legislature
04 July 2017

Public Policy Institute: Public Testimony for Public Hearing

Good morning, my name is Alice Yi and I'm a member of the Public Policy Institute, a student program that provides interns exposure to the island's legislative process. I am in support of the Marine Conservation Act of 2017, Bill 86-34, because I believe that this bill proposes an effective method to preserve and manage marine resources with a system of community based fisheries management. As a local who has been living on this island for 17 years, I have seen the coastal areas deteriorate with every advancing year. This bill acknowledges the scale of the impact of the many threats that, stated in lines 8 through 10, "pose great harm to marine life, investments in critical infrastructure, defenses, and the lives of the people who live in and rely upon our coastal areas." As marine resources are not easy to control or regulate, the approach of a community based fisheries management will serve as the mediator between local fishers and the community and create a common ground for those two entities to be connected and united. According to worldfishcenter.org, "the community based fisheries management is a strategy supported by national government policies for both small-scale and coastal fisheries and resulted with progress in the remote island of Manaoba." Joe Sylvester, a local fisher of Manaoba, reflects that, "The people of Manaoba have seen changes, not only with marine management, but also with people's behavior and attitudes in the community. The work they do together has resulted in cooperation and their people working together in this community." This medium of the community based fisheries management, as stated in lines 19 through 22, "will protect, preserve, manage, and conserve aquatic life, habitat, and marine communities and ecosystems, as well as, ensure the health, welfare, and integrity of marine resources for current and future generations through a more holistic ecosystem based management approach." I am for the Marine Conservation Act of 2017, Bill 86-34.

Thank you for your attention and the opportunity to voice my opinions.

Testimony for Public Hearing
July 6, 2017
Ivan Skvaril
119 Oceanview Drive
Asan, Guam 96910

Good morning, my name is Ivan Skvaril and I represent Public Policy Institute. I am here today in support of the Marine Conservation Act of 2017, bill no. 86-34. This bill finds that if the threats upon our coral reef and marine ecosystems are not properly mitigated, they pose great harm to the lives of people who live and rely upon our coastal areas. I agree that the protection and management of our coral reefs and marine ecosystems does require the support and cooperation of the local community, or a community based fisheries management, and here is why:

- The people who are going to have the strongest incentive to ensure the well-being of our coral reefs and marine ecosystems is the local community who is to rely on and benefit from the well-being of our coral reefs and marine ecosystems. It makes sense that if someone is to rely on something, surely they would have the incentive to make sure that which they rely on is well taken care of.

- In addition to the local community having the strongest incentive to ensure the well-being of our coral reefs and marine ecosystems, the local community whose lifestyle is heavily influenced by marine ecosystems will be best equipped with the knowledge of how to properly mitigate the threats posed to their lifestyle because they would have more experience with the nature of the threat than any government organization.

Once again, I am in support of the Marine Conservation Act of 2017 because I believe through a participatory management approach, our coral reefs and marine ecosystems will be best taken care of. Thank you for time and consideration and giving me the opportunity to voice my opinion.



Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuåtro Na Liheslaturan Guåhan • 34th Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 86-34 (COR), As Corrected by the Prime Sponsor, “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.”

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson				✓		
SENATOR JAMES V. ESPALDON Vice Chairperson						
SPEAKER BENJAMIN J.F. CRUZ Member				✓		
SENATOR MICHAEL F.Q. SAN NICOLAS Member						
SENATOR RÉGINE BISCOE LEE Member				✓		
SENATOR THOMAS A. MORRISON Member		✓				
SENATOR WILLIAM M. CASTRO Member		✓				



Sen. Thomas Ada

Chairman

Committee on Environment, Land, Agriculture, and Procurement Reform

I Mina Trentai Kuatro Na Libeslaturan Guahan • 34th Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 86-34 (COR) was introduced on May 5, 2017 by Senator William M. Castro, Senator Joe S. San Agustin, Senator Louise Borja Muña and Senator Tommy A. Morrison. Bill No. 86-34 (COR) was corrected by the Prime Sponsor on May 30, 2017 and was subsequently referred on June 2, 2017 by the Committee on Rules to the Committee on Environment, Lands, Agriculture and Procurement Reform.

The Committee on Environment, Land, Agriculture and Procurement Reform convened a public hearing on July 5, 2017 at 9:00 am at the Guam Congress Building to receive public testimony on Bill No. 86-34 (COR), As Corrected by the Prime Sponsor.

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets and published in the Guam Daily Post, a newspaper of general circulation, on June 27, 2017 (5-Day Notice) and again on June 30, 2017 (48-Hour Notice), fulfilling the 5-Day Notice and 48-Hour Notice of the Open Government Law requirement.

Senators Present

Senator Thomas C. Ada	<i>Committee Chairperson</i>
Senator Thomas A. Morrison	<i>Committee Member</i>
Senator William M. Castro	<i>Committee Member</i>
Speaker Benjamin J.F. Cruz	<i>Legislative Member</i>
Vice-Speaker Therese M. Terlaje	<i>Legislative Member</i>
Senator Louise Borja Muña	<i>Legislative Member</i>
Senator Telena C. Nelson	<i>Legislative Member</i>

The public hearing was called-to-order at 9:00 am.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada called the public hearing to order and referred to the sponsor to introduce Bill No. 86-34 (COR), As Corrected by the Prime Sponsor.

Senator Castro: Bill 86-34 (COR) essentially introduces another tool that the people of Guam may use to manage their natural resources, in this case, marine resources. The bill attempts to establish in the statute, the legal authority to establish community-based fisheries managed areas in each of the respective coastal villages. I would like to note that quite a number of parties have contributed to the bill in its final form. We've had five meetings, we've met with fishers, mayors, scientists, students, *manãmkö*, youth and natural resource managers. We also had the privilege of meeting with the *Inalåhan* and *Humåtak* communities. Special thanks to the Department of

Agriculture, Bureau of Statistics and Plans, the Guam Fisherman's Cooperative, Michael Duenas, the Western Fisheries Management Council, Micronesia Conservation Coalition, Dr. Jason Biggs, members of the Public Policy Institute, Mayor Johnny Quinata, Mayor Doris Lujan, Mrs. Judy Amesbury with Val Brown from NOAA and others, who had a direct hand in helping to amend the bill in its final form. Based on our research, Mr. Chairman, community based fisheries management is a long-standing and effective conservation strategy that is practiced both internationally as well as in the contiguous US. We believe that it's an alternative strategy to marine protected areas and one that's regarded as being highly participatory. In addition to that, it allows for an integrated framework for coastal and marine resource protection at the municipal level, to connect with the state as well as international levels of planning and management. The significant difference between an MPA and community-based fisheries managed area is that it allows the opportunity to manage the economic, recreational, and subsistence as well as cultural uses, of the coastal area.

Chairperson Ada called those who signed up to give testimony.

Manny Cruz, Acting Director, Bureau of Statistics and Plans: Read his testimony in support of Bill No. 85-34 (COR) with the following concerns:

1. Duplication. The bill cites reference to the creation of the "Marine Conservation Act of 2017". There currently exists similar reference to the Guam Ocean and Fisheries Conservation Act of 2015 (Public Law 33-144) with respect to the "conservation and development of Guam's ocean, fisheries and marine resources". While specific elements of Bill No. 86-34 differ from Public Law 33-144, the Guam Ocean and Fisheries Conservation Act of 2015 is already established and emphasizes the protection of our island's marine resources. A suggestion is to remove the "Marine Conservation Act of 2017" from the language of Bill 86-34.
2. Lack of Technical Input. The bill as written, cites that the Director of Agriculture, Mayors and Municipal Planning Councils shall have the authority to designate community-based fisheries managed areas and plans. The bill does not mention the involvement of the Fishermen's Cooperative, UOG Marine Laboratory, Western Pacific Regional Fisheries Council (Westpac) and other fisheries organization in the technical planning for the designation of managed areas and plans. While the intent is to have coastal villages involved in managing resources within their surrounding waters, the technical expertise and knowledge of local and federal laws protecting such resources are lacking at this level and the Guam Department of Agriculture does not have the capacity or resources to take the lead on this. Any managed strategy or plan to this effect without the technical input from fisheries experts may be contrary to any federal or local mandate in existence.
3. Funding Support For Enforcement. The Bureau supports the inclusion of the community to take ownership of their environment and to manage their resources for the overall benefit of the community. This bottom-up approach of having direct community involvement in the development of the plan to identify priority areas and address issues of concern will encourage the full support from the *Humåtak* residents to support the plan

and to take action. Although the community will be charged with enforcing the plan, the duties regarding enforcement and protection of aquatic and wildlife will clearly rest with law enforcement agencies such as the Guam Department of Agriculture, Division of Aquatic and Wildlife Resources (DAWR) Conservation Law Enforcement Section, the US Fish and Wildlife Service and the U.S. Coast Guard. Bill No. 86-34 made reference to the threats to the ecosystem to be far too great for any one entity to manage and enforce. Currently, the Guam Department of Agriculture does not have sufficient manpower and equipment to ensure the protection of Guam's natural and marine environment, including the *Humåtak* area. The Bureau recommends a funding provision in the Bill to provide support to the Guam Department of Agriculture's Civilian Volunteer Conservation Officer Program. This will provide "backup and manpower for the suppression of fish and wildlife crime, preservation of law and order, and to assist in civil emergencies." (5 GCA, Chapter 63, section 63103.1) These Civilian Volunteer Conservation Officers have the ability to exercise the same function of a Deputized Conservation Officer. The monitoring and enforcement of the rules and regulations associated with the protection of our ocean and marine resources must be supported by an appropriate sustainable funding source. The additional funding will provide the *Humåtak* community with additional law enforcement support of its residents to serve as Civilian Volunteer Conservation Officers. Communities who play an active role in protecting the environment will motivate others to do the same.

4. Funding Support For Technical Consultancy. The bill as written goes for the Mayor and MPC of *Humåtak* to develop a community-based *Humåtak* Fisheries Management Plan with technical assistance from the Director of the Guam Department of Agriculture and the Director of the Bureau Statistics and Plans. The Bureau recommends identifying a funding source for the *Humåtak* Mayor and MPC to obtain technical consultancy support to guide the *Humåtak* community in the following:

- to coordinate and facilitate community workshops and or meetings to engage the community to prioritize issues, set goals and objectives for the Plan
- to coordinate and facilitate meetings and discussions with the Guam Department of Agriculture, the Bureau of Statistics and Plans, the University of Guam, Westpac, fisheries organizations federal and local and other non-Governmental organizations for the mapping, resource information (data), scientific research and studies of aquatic life and habitats of the *Humåtak* area for technical advice and information for the plan contents
- to produce the community-based *Humåtak* Fisheries Management Plan
- to assess the *Humåtak* Mayor and the MPC to develop the rules and regulations for the Plan, if applicable, in accordance with Administrative Adjudication Act process
- to assist the *Humåtak* Mayor and MPC in carrying out the provisions of the Plan in accordance with the Administrative Adjudication Act process.

5. Lack of Information to Support Need For Community Based Planning. It should be noted that Bill No. 86-34 does not reference any supporting information to affirm the need for a community-based plan in the village of *Humåtak*. Although the Bureau

recognizes the importance of maintaining a healthy and vibrant coral reef and marine ecosystem in our communities, the bill should cite scientific evidence that supports an at-risk or overfished marine ecosystem in this area of Guam. Without existing or baseline data, it will be difficult to determine the impacts of the plan when approved and implemented.

Matthew Sablan, *Director, Department of Agriculture*: Read his testimony in support of Bill No. 85-34 (COR) with the following concerns:

1. Community Responsible for Development of Plan; No Impact to DoAg. The development, as stated in public law, the Department will need to provide technical assistance to the community of *Humåtak* in the development of the community-based plan. This would have minimal impact to the department since the community will be responsible for writing and moving the plan forward.
2. Community Responsible for Monitoring; no impact to DoAg. The monitoring of the resources in *Humåtak* such as fish and corals stocks is supposed to be the responsibility of the Community. If so, then there would be minimal impact to the Department. However, as mentioned, because the plan hasn't been developed it is uncertain what that fiscal impact would be in regard to the Department monitoring the resources. It is uncertain what resources the Department of Agriculture would have to monitor.
3. Unclear Who Enforces Law, DoAg or Community. The enforcement of violations. The bill needs to state specifically if the Department of Agriculture's conservation officers are enforcing any violations or is it going to be the community's responsibility. If the community enforces violations, then there shouldn't be any impact to the Department. If the Department enforces violations, there will be fiscal impacts as more conservation officers may be needed to patrol and respond to violations. Additionally, (financial) resources may be needed as well as vehicles, maintenance, firearms, uniforms, etc.

Mark Aguon, *Lieutenant, Wildlife Conservation Office, Department of Agriculture*: Need for More Specificity of What Would Be Violations. As law enforcement head for the Department of Agriculture, I have a few concerns which I've addressed in our meetings. Any and all violations mentioned in this agreement or bill must be spelled out or otherwise we have no business acting. If the community-based volunteers act on a violation that they deem a violation from the way it's written, the Mayor's in charge. When do I intercede? My guys need to go out there and enforce the law. If it's just a rules and regulations based on the community-based level, how is this going to be addressed? This needs to be spelled out because we all swore to protect the laws of Guam. If it's not that concrete, then we shouldn't stick our hand in because it's a potential (law)suit not just for me and my guys but the department as well.

Law Enforcers; Community Voluteers or Reservists?When you talk about the reserve program, please be careful and keep in mind that for many years, we have worked diligently to implement the reserve program. It's supposed to be for the island of Guam, to protect all the resources not

just particular areas. Maybe the language shouldn't say "reservists from this particular area." It should remain like in all the other jurisdictions that I've trained and taught community-based volunteers as such community-based volunteer enforcement not reservist. Please try and refrain from using that term because it's for the whole island of Guam, not just one particular area or two. Please bear in mind because we have other resource enforcement issues that we need reservists for and we're working with other Senators and other agencies to implement that program. I don't want to put an anchor on that effort by mixing it in with something else, but is there a need for it? Yes. When you talk reservist, keep in mind that the law says that even the reservists have to be POST-certified. Let's say the Mayor appoints somebody that is not POST-certified in terms of physical agility, education and training. What are we going to do? We need to address this now before this is enacted because all my guys right now are POST-certified. All my guys right now are going through the diagnostic testing in preparation for the real deal that's coming. We got to keep that in mind as well when we talk about the community-based volunteers.

Will they be armed? When you put the word officer, that's a powerful word. It's as powerful as the word police. Will they be armed and to what degree? Non-lethal or lethal? You're going to have violators that will not care about what you have to say, that's a given fact. If these guys are going to engage with some potential violators, who's going to protect them? Themselves or do they wait for me? I'm going to let you know that the danger is there for them to engage somebody who they potentially say is a violator and something might happen. I do my best to train volunteers on how to handle that situation. As it's going with this one right now when you put in words like reservist or officer you're playing with another element there.

Inadequate DoAg Law Enforcement Resources. Our current situation, we're in the deep red it's almost purple. I need help right now but to engage in another mandate with my eight guys, I have to back up a little bit and say, "let's look at this problem first and address that." I appreciate all the work you're all doing. This is a fine program and it works. For the community to be a stakeholder in its own resource is the smartest thing you can do because it brings it back. I've seen it in Palau, Yap, Kosrae, Ponape, I've seen it everywhere. They are diligently going out there, educating the community on resource protection and conservation but there are a handful that do not care. They will come after you with either knives, spear guns or whatever, you got to keep that in mind. The data that we collect as far as the science, does it spell out who gets access to this data.? I've seen some places where they don't want to share the data from the community to government resources. There are existing businesses that will not share data. Who has access to that? It should be everyone. We have the law enforcement data as well. We keep books on that stuff and then potential help to gain some support from NOAA. That's another concern that the Director has spelled out about not mentioning Westpac and US Fish and Wildlife and other agencies involved. Nobody has mentioned OLE, Office of Law Enforcement and that needs to be included. I really appreciate the efforts here in this panel and everyone on both sides of the table. It is a smart move, but we need to go about it the right way from the get-go.

Ivan Skvaril, *Member, Public Policy Institute*: Read his testimony in support of Bill No. 86-34 with the reasons mentioned below:

- The people who are going to have the strongest incentive to ensure the well-being of our coral reefs and marine ecosystems is the local community who is to rely and benefit from the well-being of our coral reefs and marine ecosystems. It makes sense if someone is to rely on something, surely they would have the incentive to make sure that which they rely on is well taken care of.
- In addition to the local community having the strong incentive to ensure the well-being of our coral reefs and marine life, the local community whose lifestyle is heavily influenced by marine ecosystems will be best equipped with knowledge of how to properly mitigate the threats posed to their lifestyle because they would have the most experience with the nature of threat than any other government organization.

Alice Yi, *Member, Public Policy Institute*: Read her testimony in support of Bill No. 86-34, with the reasons mentioned below:

- The bill acknowledges the scale of the impact of the many threats that, stated in lines 8 through 10, “pose great harm to marine life, investments in critical infrastructure, defenses, and the lives of the people who live in and rely upon our coastal areas.” As marine resources are not easy to control or regulate, approach of a community based fisheries management will serve as the mediator between local fishers and the community and create a common ground for those two entities to be connected and united.
- This medium of the community based fisheries management, as stated in lines 19 through 22, “will protect, preserve, manage, and conserve aquatic life, habitat, and marine communities and ecosystem, as well as, ensure the health, welfare, and integrity of marine resources for current and future generations through a more holistic ecosystem based management system.

Dr. Jason Biggs, *Faculty, University of Guam, Marine Lab*: I am a faculty member at the University of Guam Marine Laboratory, but I am also here as a citizen. I do support this bill. I think that although it is short and quite lacking in terms of some definite details here.

Community Empowerment is Ideal, But Has Challenges. I think that we all know that if you empower the community there is definitely good things to be had and what is more important than the local people who live by the resource to take care of it. The one thing that we do have an issue with that we must really think about is what Officer Aguon said is the enforcement. If I look back at the 43 years that I’ve been alive and listening to all of my family members talk about the reef, there are big things that have happened here and there are things that we need to do to fix it.

Community Enforcement in the Earlier Days. One of the major things that I’ve been thinking about is the community empowerment to enforce the resource and protect it themselves. How we do it is going to be a difficult thing because the transition from the western civilization from ours, there are some major core differences into how we protect our resources. These are differences that are laid in and changed by the constitution of the United States. For example, if

you look back in the day and maybe this wasn't Guam, which I could probably guarantee that it was. If you were in your village and you saw somebody doing something wrong in the ocean, back in those days what would we do? We'd immediately confront the problem and we do it in force. We take that person, bring them back to the village and take them to the *manâmkô*, to the chief's house or wherever the public gathering is. If that person, if they survived that first encounter, they would be put in front and they wouldn't be let go. In other words, a lot of times there was a ransom that was held or the person would be placed in front of the community, sort of in a stockade like the pilgrims had, where the community could actually approach this person and talk to them. What did you do? Why did you do that? Don't you know that's bad? Don't you know you're hurting all of us? There's some public shame that comes along with that old way of doing things. Plus, the family would be shamed and would have to do something. It was a hurt on all of the community and everybody knew it.

The Challenges of Community Enforcement Today. If you look at it now, we can't do that. What would happen if I went out and encounter somebody who's breaking the law? First of all, I'm supposed to make a phone call to somebody that I probably don't know and I'm supposed to wait for them to come. At the same time, I going to slow them down or keep them around so you can confront them. If we go in and yank them, now we've committed a crime and broken the law. Automatically, we're turning into the protectors or now the criminals and that becomes a big problem with our community. Instead of that we let somebody else come in, do the dirty work, pull this person out of our resource, try to fix the problem and hopefully get there in time before the person leaves. This is not always the case and is very frustrating for the people who watch the resources diminish right in front of them.

If they do get there, then what happens? They arrest them and take them away. There's no public shame and no public notification. In fact, we don't even know the people unless they make the paper and in fact oftentimes they don't give the name in the paper because they're alleged criminals until six-nine months later when the trial is held. Nobody even knows who did this or why. From there, they could have all kinds of conversations and cost to their things such as fines, but if it's really severe they go into incarceration and disappear for a while. Once they come out and I hate to say it, but I have family members that I haven't seen in months what happens then? Well, we coddle them when they come back from jail, we need to have a good transition because it's like PTSD and they're freaked out from there. We do these things and there's no reinforcement of the negative. It's always, "oh, let's take care of this person."

Assistance From Technical Community. In essence, the western way of dealing with enforcing laws is completely contrary to what our culture is like. This bill will at least put some of the elements, responsibilities and power back into the community is very important. Spelling out how that enforcement happens is going to be key to this. The Marine Lab, DAWR, Department of Agriculture and Bureau of Statistics and Plans will support this 100% with the mandates that they have and will give everything to it. We have the information necessary to help revive our wild ecosystems but when it comes to how the community is going to play a part and how the community is empowered to protect themselves will be paramount in all of this. In any way that I can help, please feel free, the Marine Laboratory is there for you.

Felix Reyes, *Chairman, Western Pacific Regional Fisheries Management Council Guam Advisory Panel:*

Fishermen are Not the Threat. In principle, we support the bill however we do have our constituents/fishermen concerns. Every time there's any kind of policy put in place we feel the impact immediately before anybody else does. We totally support the bill but referring to the first paragraph line 3, we are looked at as a threat to local fishing pressures. We would like to not look at ourselves as a threat but rather as an opportunity to educate the youth and community on our resources. For example, this past Sunday I was down at *Asan* fishing and out near the reef line the Chargualaf family was *chenchulu* fishing. There was about 10 or 12 of them. I waited for them and when they came ashore they were probably about five adults, two of whom were women, and the rest were all children. When I talked to the elder of the group he said, "well, we do it every so often." Their intent is not necessarily to catch as many fish as they can but to teach the youth the values of fishing and how to conserve for future fishing. That way when they can come back there will always be fish for the kids that were there with them. I have photos of that fishing venture for the Chargualaf family but my presence here today is just to express concern. If you can take a look at the reference to the "fisherman not as threat but as an opportunity."

Chairperson Ada: Just in listening to the testimonies, I gather everybody is in support of the concept of a community-based management of our fisheries resources. On the other hand, I hear that there's still too many gaps that we need to fill in to get from here to there. Let me ask this, from the Bureau of Planning, if the bill is reported out as is, do you still support the bill or are there a lot of gaps that need to be filled in?

Mr. Cruz: We're looking at the resources. If we're going to be responsible for assisting in the development of the plan, we need an additional body because right now my Bureau is fully committed to some of the tasks that they already have at hand. If we're going to add this responsibility to one of them, that may have an impact on their work at hand. If we're going to handle this type of a management with helping them in the development of the plan we will need an additional body.

Chairperson Ada: What I hear you saying is that the concept is good but we need to provide the resources, in this legislation, to be able to implement it?

Mr. Cruz (BBMR): Yes.

Chairperson Ada: Same with Department of Agriculture?

Mr. Sablan (DoAg): Yes, as stated in the bill, the department will assist in the writing part for the plan. That's inclusive with what they've been expressing such as the law enforcement part. It's technical advisory as far as the department to the community. The concept is there however the gaps need to be filled but we're still in support of the bill.

Chairperson Ada: I'm just going pose that question to the two directors. Your comments were politically correct and wasn't as direct as Lt. Aguon's comments were. However, I hear what you're saying.

Vice-Speaker Terlaje: I agree that the community power is what we need but how we do it is what needs to be sorted out. I'm curious about a couple of things. What is the status of *Humatak* Bay such as the fish, coral and fishing methods that are used and the violations that are found down there? I'm assuming you have data. Can you pull data together and probably studies done but do we have a benchmark that we're beginning with and would you propose them? I keep thinking that we're going to let the municipal planning council decide the goals for this bay but when I look down the road to *Merizo* much of it has been designated a preserve. The fishermen have been prevented from fishing in some areas of *Merizo*. What is going to be the goal of the *Humatak* municipal planning council? I would assume it's to get some fishing done and to protect. What have you already recommended for *Humatak*? What do you recommend that we can start off with? I would think that BSP with all the programs that it manages, along with Department of Agriculture and the Marine Lab, that you already have ways to get that knowledge directly to the community, particularly if we want to get community-based conservation officers or just more conservation reservists from *Humatak* or the designated areas. I think we have some possibilities in those avenues. What do you think?

Lt. Aguon: I'm not the scientist in the group, but I'll do my best. Department of Agriculture operates what they call krill survey. We have technicians and biologists that go around the island to check any type of fishing activity throughout the area that are studying the information and is put in the database which is available through the Department of Agriculture Fisheries Division. Sometimes the individuals are not cooperative and don't want to share that data. How good is it? It varies. You're going to have to talk to the fisheries management folks about that at DAWR but there is data that they can start off on. I've seen it myself with the guys throughout the patrols. You have different types of fish there such as *atulai*, *chenchung* which similar to the *tiao*. You also have the other fisheries such as the throw net or cast net (*talaya*) for species like *guili* and *tataga*. Those are just a few of them that I can tell you off hand but there is stock down there. I believe that Mayor Quinata, with the community and their intention is to work with Senator Castro to preserve the numbers that are in the water. So that they can continue to reproduce and provide for the community and anyone else who would enjoy the fisheries. I did some patrol checks and there's a lot of parrot fish between the *Humatak* Bay and Sella Bay. There's still quite a bit of fish down there, the true motivation behind this is to preserve that.

Vice-Speaker Terlaje: Have you given them any recommendations on how to achieve that?

Lt. Aguon: Our fisheries folks have been working with people regarding that. The teaching of responsible fishing has been going on for years. I don't think it needs to be regulated, it's already taught in our villages. The main goal with this concept and piece of legislation is to ensure that the necessary tools needed are on hand in order to maintain the fish stocks for the people.

Mr. Cruz: When I was at (the Department of) Agriculture, Westpac assisted us in developing a community based fisheries in *Merizo*. Westpac provided the funding and personnel to do the plan itself. If anything, we're looking to that plan that Westpac has already done. The Western Regional in Hawaii has some experience in developing these types of community base fisheries. They have a good program and a workable plan in American Samoa and Hawaii. We're not going to reinvent the wheel. We're going to look at the plans that they have. The only difference between *Merizo* and *Humatak* is that in *Merizo* we're dealing with an MPA (*Achang* Bay). There

are limitations on how we deal with MPA's. In *Humåtak*, we don't have that problem, but we still need some plan on how the community is going to develop that. As I said, *Merizo* has some challenges however with *Umatac* if we can get the plan, look it over and compare it to American Samoa and Hawaii, that would start us off.

Vice-Speaker Terlaje: Was the plan adopted for *Merizo* or not? It's not what governs *Merizo* right now?

Mr. Cruz: There is a community base fishery developed in *Merizo*.

Vice-Speaker Terlaje: Who's in charge of it? Westpac?

Mr. Cruz: No, the Mayor and MPC. It's part of the plan, rules and regulations that they have. They are assisted with the conservation program from agriculture to take care of the enforcement and so forth. All of those things are already in place. I understand that the *Umatac* people wanted it.

Vice-Speaker Terlaje: Was there a law that was required to put this plan in place for *Merizo*?

Mr. Cruz: No, there was some resistance because of the fishermen. The resistance has to do with the MPA's. We should not have that resistance there, that's the difference.

Dr. Biggs: It's not a simple answer. First of all, all around Guam we're suffering from what's called a coastal community. Everything that we do on land affects our resources. One of the biggest things right now is the loss of the land and smothering of our coral reefs. The southern end of the island is prone to this because it's all rivers. The water can move fast that it can bring all kinds of stuff down into our bays after it rains. We can see it in the morning after a big storm like we had last night. In terms of this law being sustainable for reef fish stocks, I like to think about it as a biomass issue. The number and size of the fish, how much living tissue is actually out on the reef at one time. Keeping that high is important because that's where all the next generation comes from. Community management in terms of fishing regulations. They can do simple things like stop catching stuff that you're going to put in the freezer. That biomass hasn't been eaten yet, it's dead and it's not contributing anymore. Therefore, having something just as simple as that is important.

In terms of sedimentation. There's a lot of initiatives that are taking place such as some of the projects from the US military buildup and the University of Guam Sea Grant. Also, (Dr.) Austin Shelton is working in *Humåtak* Bay revamping some of the watersheds trying to keep some of the soil from coming down. The stock is there, it's not completely gone and crashed. It definitely has room to get better. You're poised right now for a very good time to show positive impact because we can't go much farther without not fishing anymore. Any good thing on top of that is good.

Although the aquaculture here is tough, we're trying to help the people of Guam by restocking fish and breeding them. It's a little difficult because a lot of them are long live, so it takes some time. With this measure and putting people forward: once you empower the community and get

their true desires out. Nobody's actually talking about what we want. You ask us, "well, what are they going to play for well?" The obvious answer is, "do you fish forever to practice our culture and catch them in the ways that we're teaching our entire culture?" That's what they want. They're not going to go for the numbers. They have 200 fish on this reef and 500 on that one. There's no way we're ever going to get to that but in terms of having them there and being able to sustain the people on them, that's definitely a goal that's reachable. We can do that with this bill.

Mr. Reyes: We've been having meetings with the community of *Malessso* for many years now and things are moving forward. We appreciate the outreach and stewardship that Mayor Chargualaf and the leadership that he's providing for that project. It's also important to know that Westpac is working closely with the village of *Yigo* and the *Yigo* Mayor, to perpetuate something similar to *Malessso*. Most of *Yigo*'s coast line is cliff. There's a lot of opportunities that he sees and we're working closely with him on that. Westpac is also working closely with Department of Agriculture, Forestry Division on a near-term replanting of about 30,000 trees on the slopes of Manell hills to help control the erosion that's coming down from the hill. We've met with Mr. (Joe) Mafnas and we're working with NOAA on many other things as well to continue with the control of the erosion and fishery related matters.

Vice-Speaker Terlaje: Do you remember the reason the fishermen might have objected to that community-based plan?

Mr. Reyes: I don't recall exactly and maybe Mr. Aguon can add to it but one of the reasons is that *Merizo* lagoon is already contaminated with PCB and there's still restrictions along the lagoon. The other thing, that I remember, is that they don't want another restriction on fishing.

Vice-Speaker Terlaje: Do you see this community-based plan as being more restrictive in *Humatak*? It can't be less restrictive than what it is right now.

Mr. Reyes: From our side, we don't see that as another restriction. We see it as an opportunity to empower the villages to take ownership and stewardship of their shorelines. I had mentioned earlier about the continuing education with the youth. They grow up to understand their resources, what challenges the resources face and what they can do to make sure there's continual fish and other stuff in the water for them to harvest going forward.

Vice-Speaker Terlaje: Are there points, Mr. Aguon, where you think we should station conservation officers? Is *Humatak* Bay one of these? Does the issue in *Humatak* need increased enforcement of the existing laws and rules?

Lt. Aguon: Currently, we do have a plan that cannot implement. We have a regional enforcement plan where officers are designated for certain "beats" per say. They maintain their presence in that area to be a deterrent as well as a community adviser or educator when he meets and greets the people that are enjoying the resources. If I may just give a little bit of history to the department's effort back in *Merizo* when it was first brought up. Any time you try to implement any kind of regulation or rule to a community that has been operating in a certain manner, their whole lives is going to be very difficult. That's basically what happened there.

After the implementation of the MPA's, we started enforcing the law. I believe in 2002, we gave two years of education and outreach to the new laws that were implemented in 2000. Coming back in years later with this community base idea, it was a bitter pill to swallow at the time. At first, it was like what, "More regulations, More rules? No way." It's understandable for a community that already has a marine protected area because it restricts certain fishing activities and resources. Going back to the Mr. Cruz's comment, "Will this be like that?" You better believe it will be because if the Mayor of *Humåtak* says, "Hey, I think our skipjack is down this year. Maybe no skipjack fishing for six months." That's a restriction and do you think that the fishermen are going to like that? It's not going to go well because we've seen it happen often. No matter how you flip, paint, push or pull it, it's going to be as if it's of MPA. However, what's great about it is the community wants it and it's a good idea which can work. We just got to do it right but those aren't things that you have to know is going to happen.

Currently, this needs to be addressed. I need vehicles because I have none for patrols. I need help. I need manpower. We're working on that here and there but right now I have no patrol vehicle that I can get out there. I need time for somebody to address this ASAP. We need to get these communities and start working them as we should. It's hard to do our jobs without the resources. With this new thing coming along, we need to take a hard look. I need your help for the people of Guam.

Vice-Speaker Terlaje: I look forward to the community's empowerment but I'm really hoping that you all would take an active role and get us to the place particularly *Humåtak* Bay. What you know about it and what can empower them quickest. I know you already can do this under your current mandates.

Mr. Cruz: With the *Merizo* community base plan and I was part of the discussion, maybe once a year in the fiesta and I think Mayor Chargualaf did this with the crabs. He would open up, they could catch as many crabs even limited but the community wanted it, they did it. The other thing they propose like the fiesta, they could open up the MPA, just for that occasion, where they can catch fish and share it with the community. That was sort of what we were looking at and what is done in American Samoa and Hilo. The community will determine the calendar, when to fish and all of those things. They will be the ones that would determine when the needs are and it works. I thank Mayor Chargualaf with that, we're able to catch 2,000 crabs, so that then they can have it at the fiesta and share it with the community. Not only for *Merizo* but for all the visitors that come there. That's the concept that we're looking at but the community will have to do the work. They have to determine what their needs are. With *Merizo* because of the MPA, there was some limitation but if you're going to have it in *Humåtak*, the community will determine when they will catch. They will determine that time. The community has to be involved, they have to know because they have to do the rules and regulations. All of these things which is part of the plan. I see it as a positive thing for the community. They will be able to manage it themselves and that's the good part and it shows down in *Merizo*. They can manage it but they just have to have the whole planning in place.

Senator Morrison: Some of the topics being brought up regarding *Humåtak* Bay and the fishermen, it's interesting. I grew up in that community and seeing the fishermen, everybody knows the fishermen in the community. We know down to the traditions passed on from

families. How could we take what they've done for generations and put it into writing? They've been doing a fine job and how they go about with the resources. I'm sure they need some data from the experts and what's being impacted as a result of what they do. From the fisherman's perspective and community, as far as the council, a lot of them are all families and somehow interconnected. Knowing how they work together, if they will have to go out and catch. Everyone has an understanding in that, in that day it seems like maybe it's kind of translating into that process. How it goes and how they go about preserving the bay. I tie this into the *Humatak* community project which took some time and developing a community-based planning getting the community involved in protecting the landscapes and educating the communities down there. Working with the hunters and how they preserve their inner lands and minimize burning activity or just stop burning as a result of that plan that took many years. I believe Dr. Shelton and the folks in the community and getting the youth involved, I've seen personally because I live up in the hills. There had been fires that take place behind my home, I've seen it minimized as a result of getting the community involved. Getting and using those resources and hunting particularly to educate them and help pass it to the youth.

It becomes a kind of reverse role where the youth are now talking to their families and their elders. Sharing what they've learned and actually down to planting the seed, nurturing it and watching the forest grow. Seeing that it helps to send a message to the community entirely. That ties right into what we're talking about. Getting those already involved as I said hunters but in this case fishermen, community and what resources are there to it. What type of things we still need to address that are being impacted, the resource for that generations for the community. Mr. Aguon I know you talked about you had to enforce all territory laws in regard to the *rwump*, the recreation of water use program, is there a jurisdiction issue? For example, if the community was to adopt a similar model because right now it's really a first come first serve. They can be down in *Humatak* and come up with their watercraft, they have first dibs and share the bay. The fishermen understand there's no fishing today, people are using it to picnic. They kind of have that understanding and there's a time to go fish and there's a time to use the watercraft.

With respect to the *rwump* program, even though you have to enforce the territory laws of Guam with respect to the Marinas, do you have issues with jurisdiction because the Rangers are to enforce that given it is administered by the Department of Parks and Recreation or is there some collaboration? My point is if the community was to adopt a similar model and there's new things coming into play, what kind of watercraft won't hurt our resources and yet still enjoy the bay at the same time. If they're adopted that you would still have to enforce those types of rules.

Lt. Aguon: To give a best example of how this works, the dynamics of this is not as clear-cut as the doctor pointed out. We have to deal with the constitution. Do we have the right to restrict somebody's movement or activity if it's not identified through legislation as far as what cannot be done in this particular area? As far as the community's level of jurisdiction, it depends if the mayor has the authority to restrict that type of activity at that certain period of time. Let's say there's an *atulai* run, will he have that authority? That's where the jurisdiction lines start getting drawn in the sand. Where does this body put the jurisdiction lines for particular activities that are happening at the mayor's level? Then you have to deal with the federal guidelines, what is the federal government allowing? They can intercede and say what are you doing government of Guam, this is against the Constitution. We have to also look at the Organic Act, what does the

Organic Act have to say about this? When it gets to the violator and the punishment, in other jurisdictions around us, either you go one way or the other. Either you stay at the community level and the chief decides. In our jurisdiction, it's going to be the mayor, does he have that authority to impose any punishment on these particular violators or does he go to the state which is the local government and we decide through the court system. You can't do both, they tried that in Yap. They're like, what are you doing, you already punished me in the community level, you can't bring him in now and try to get a fine out of him. Those are the things that you have to iron out. The best thing you can do is visit these places that have them. That's as best I can give you Senator as far as where the lines are.

Senator Morrison: I appreciate that because there were times where the park ranger, at least when I was serving at DPR, even during the *mangahac* run. There's an understanding you have to enforce, that people recognize watercrafts are off the shores, to allow for this season and for fishermen to make their catch. I know that there's a clear understanding in the community of *Humatak*. We have to find a way that we protect the resources going forward and having that authority to back up these community-based programs to know that there's some real teeth. We have that authority to come in, like you said we got to spell it out, so that the community knows what is under the jurisdiction of the community. There is authority that if it says something can't draw the line then that will come in. I just want to point out I appreciate everyone's testimony, I thank the author for his efforts and seeing what he's gone out to do. With learning from jurisdictions within the Pacific and other territories and what they're doing and how they figured it all out. I just want to tie this in, that I witness firsthand *Humatak's* community project with the issues and it's still growing. There's thousands if not maybe tens of thousands of trees all over the place. It's growing right next to my place, I'm seeing minimal fires around my place. This all ties together because the community is involved. They have been educated that burning is no good and to hear the youth tell that to the community is important. I think this is where we're going with this.

Lt. Aguon: Based on what you were just saying, as far as jurisdiction, agency to agency, we swear to uphold all laws of Guam, we graduate from the academies. It appears it's coming up short in some legislation. You just tend to forget. You identify an agency, it is his priority, mandated to his agency but other agencies should be spelled out that we can all enforce these laws of Guam, as we swear in to our offices as officers. That might be an idea but if it's a rough violation, they can handle that. If they identify while doing their job a fishing violation then they contact us and we take that part of the case. We key off their case. We have a system in place already but it needs to be spelled out in the law that we can all enforce it.

Senator Muña: My concern is for the community-based volunteers and their safety. You said that there are obvious safety concerns for the volunteers. I think they would be considered like the first responders for the enforcement of this marine conservation act. Do you recommend maybe a certain type of training for them, so that they know how to approach, when to approach and when to call you? The other question would be, would you be the one to administer this training for the volunteers?

Lt. Aguon: Yes, there is training that we can offer them, give and instruct. The problem is at what level because if they're not identified as peace officers we can only go so far. We cannot

train the volunteer on lethal force. We cannot do that because that officer is liable for his actions and the agency, let's say the mayor's office, if he takes action. That's why we recertify every six months to do our jobs that puts the burden on us. Identifying these potential threats and dealing with it legally in regard to particular actions we can take. There is training, my recommendation is take a hard look at POST. It's our guideline as peace officers and we should just follow that. No need to deviate. There are people out there in every village that have gone through the academy and I have no doubt maybe you can look at them first. They already got the POST qualifications through GCC, they may be able to help or the mayor can send his folks through that training.

Senator Muña: There's going to have to be some obvious campaigning for the enactment of this, do you recommend though that it should be effective upon the training of the volunteers? You did state earlier that it takes a while for the community to understand that there's a new policy within their community. That's my main concern, is they have to know what their boundaries are before they cross that line and then for their safety. I was just wondering if maybe it's best to enact this effective upon after the training.

Lt. Aguon: That's the beauty about what we do, our training, once you're done you're done. You can go to work, that's the way it's supposed to be. That's the way it was created but the other side of the coin is the community needs to follow the rules. That's where you want to give a grace period. We did that with the MPA's, we gave a two-year grace period, educating people and getting the names of the people we talked to. "After two years, I talked to you at this date, I told you this was what's gonna happen, you're here again doing the same thing." That's where the body needs to develop a grace period where the community starts educating the folks that utilization area for their fishing activities.

Senator Nelson: We're very excited about this new bill and we want to do all we can to make it better so that it focuses on all the concerns that you've raised today. I had the opportunity to work with Lt. Aguon, you're constantly addressing the needs of your agency and the conservation officers. There's been several questions asked, what is the impact towards the fishing in *Humåtak* and has there been a decline in our resources in that area. I understand that it's hard to see but when I met with you, we met with NOAA and they monitor the fishing patterns, the development of our fisheries. I'm wondering has NOAA presented any information that can help us really understand the impact to the *Humåtak* Bay?

Lt. Aguon: Yes, there is information that can be shared with the body and anybody interested in learning. How the resource is handling at this point? I don't want to get too far into the numbers because they change, they vary. Maybe Dr. Biggs can chime in on that particular information. NOAA does have extensive surveys done in that area. On the health of the reef ecosystem and what is impacting the fish stock, like Senator Morrison has pointed out. We have a big problem with forest fires in that area and the sedimentation that comes down from the mountains and impacts the reef stuff and impacts the stock. No reef is easy to understand. There's a lot of fishing still going on and that's why I am supporting this bill because the community is in support of helping it survive. There are impacts but we need to look at the actual numbers before we can do anything.

Senator Nelson: To empowering the community to take part in the fishery, has there been any licensing foreseen that would be needed? For example, because I can't arrest anyone if I'm a conservation officer. I can't arrest anyone if they catch skipjack even though the community plan tells me we can't catch skipjack because there is no consequence put in place. Is there any forcing licensing requirements or regulation for the types of fish to preserve in the basic ecosystem?

Lt. Aguon: We have addressed that issues several times in the past. As far as fishing licenses a lot of the fishing community are actually for it. They want the same concept as in the states, where if I want to purchase a license then put that resource to better the science and the development for fishing. For example, spend that money on science, spend that money on restoration, spend that money on education for the resource. A lot of its restricted from me and I'm not to get involved in that because of the way it's written now. We don't want those conservation officers to police me. I want you to make sure my resource states that. That's basically how the licenses and requirement in the states is done. It's very much like sports fish restoration for example. I can't get any funding through that, its spelled out clearly but there is a discussion on licensing and stuff like that. A lot of the community is for the fishing community. We've seen support with that.

Speaker Cruz: I have to admit I don't fish so this question is going to be really naïve. You've mentioned a couple of times about the fact that it took you two years of education to get the preserve legislation down. How are we to get out the word that there's 19 different rules in each jurisdiction and where those lines are? If you come out of *Agat* marina and you're heading down, did you float into *Humåtak* when you went past Cetti? Are you still in *Agat* and you have *Agat* rules or *Humåtak* rules? Mr. Reyes talked about *Asan*, if you go too far south you're in the preserves. Where is that line in the sand? I understand in Hilo there's different islands. I'm trying to figure out how the fishermen, one, are going to know that you have 19 different rules and that the mayor of *Humåtak* just announced no skipjack.

Lt. Aguon: Mr. Speaker, welcome to my world. It is very hard to enforce these lines of demarcation without the proper resources in place. Depending on how its laid out at the end of the day is going to dictate those answers. I can't give you that answer but I will tell you if there is a prominent line where can identify through GPS or other means. We need to give the community time to understand that, like we did with the marine preserves. How much time, that's for this body to decide. I say minimum of a year to get these regulations and rules out there for the community to actually understand and follow.

Speaker Cruz: I know like *Tumon* Bay is a preserve. I probably shouldn't say this but when I walk down to the beach sometimes I see men with nets. Am I expected to call you?

Lt. Aguon: If you understand the regulation regarding *Tumon* you will call me. If you do not then I won't receive your call. There are people that call us and we go down there and we see what they're reporting and educate the caller. A lot of times they want to remain anonymous but there are times, mostly, that we get people that understand the rules down there. We teach everybody that operates any type of business down there even the beachgoers on weekends. Whenever we're there and available, we teach the rules and regulations of the MPA, not just

Tumon. A lot of people know that these rules exist and they call us on our hotline. They tell us this is what they see or we ask for a picture, so we can see without having to go down there firsthand what are they reporting. For example, just yesterday I got a picture of someone that's in the middle of the water trying to throw his net. By law that is illegal, so we had to adjust. That's how we're operating right now.

Speaker Cruz: It was just an issue of jurisdiction and if each one is different it's going to be really difficult. I'm not sure if the fishermen have some kind of website that they can go to, where the rules are for *Humatak*, as opposed to *Agat*, as opposed to *Merizo*. That was the question I had, I mean different islands I can understand but one landmass with the same coast. I mean even in *Piti*, how far out is the preserve from Fish Eye or how far south is it, past USO?

Lt. Aguon: We do have education material that we pass on. We do have public outreach events that we go to. We also have volunteer groups that help us spread the word. We also have markers out there that help the fishermen understand these jurisdictions, assist them with their activities on where they can and cannot go and do certain types of fishing. It helps the fisherman to understand that there are rules out there and for him to understand the rules and regulations in these particular areas. There is an old saying, that ignorance of the law is no excuse. We look at that hard and take it to heart and try and do our best to mitigate those violations and enforce law in these particular situations. Just recently we just got help with NOAA, giving us pamphlets in different languages. For example, we've got many violators from the Chuukese community, now we have literature that we pass out to the Chuukese community at the churches or at events or even down at the beaches, that's it in their language. These are the rules and regulations of MPAs. As we continue to grow, we update our system as best we can with whatever resources we can.

Senator Castro: This has certainly been a very educational and healthy discussion. A lot of substantive contributions and good questions by my colleagues. It was mentioned earlier that the prevalence of such plans and other jurisdictions. I had the privilege as a former member of the cabinet to visit such jurisdictions. I think the two directors have attested or could attest. Although these plans differ technically in the different aspects of these community-based management plans, there's one thing that's fundamentally the same, that makes them a community-based management plan, whether it's a fisheries management plan or a terrestrial management plan. Basically, it's that at the heart of it, it's the stakeholders ultimately who have to say whether it's a biomass conservation strategy as Dr. Biggs was alluding to. Or as the Vice-Speaker and I always tend to have some bias towards the cultural preservation and practices of certain communities. Just to be clear it's the author's intent to empower those village coastal communities who have the political will such as *Humatak* and *Inalåhan*. They can have that legal framework, that actual process that is recognized by the territory.

I don't think we begin with the budget, we begin with the plan and depending on the components of the plan the budget is forthcoming. We know that a budget or plan in this case. Let's say the *Humatak* management plan may just intel a geospatial component. Geospatial, which is the technical mapping of an area for that jurisdiction or as the good officer here, Lt. Aguon mentioned it could include a very comprehensive enforcement component. Until that jurisdiction has taken it upon themselves to address those technical aspects of what they want to do, we

won't know that. The point is that this establishes the legal framework much like what is called for in the statute through a marine preserve. Unfortunately the other fish that have left but you know there's a lot of resistance to marine preserves. This is a framework that may have a biomass conservation component or may not. It may include as my colleague the co-author mentioned, the recreational utilization of the marine area. It could be as simple as saying this is not prohibited watercraft or this is a strongly encouraged cultural practice a type of fishing practice. Those are the components that *Humatak* as they define will have the ability to do for themselves.

Ultimately, in one of the five, if not all five technical meetings that we've had the ultimate goal: Director of Agriculture was to identify a way that the municipality can issue its own licensure for fishing. That way there's local level of accountability whether it's to assist with the fishery statistical data of biomass, bio stock or whether it's just to determine the type of catch or to add other components of your creel survey. We all know well those who are familiar with government that the Triple A process is in place. So, whatever it is that *Humatak* decides to adopt for themselves it just doesn't come into existence. It has to go through this administrative process. It has to be sent to the governor, the governor has to endorse it and send it to the legislature. If the legislature chooses, it can adopt the plan or it can actually lapse into law. That's what's built into the process.

One of the things that gave rise to this legislation is that in my capacity as a member of the administration at one time and I'm seeing it here too, there's a disconnect sometimes between the stakeholder that's affected and state level funding priorities, whether it's federal or local. If a plan can emerge from *Humatak*, this is where they can leverage the state to state to prioritize utilization of whether it's NOAA monies or agricultural monies, USDA monies to then address a plan that's already in place. As opposed to leaving it to the scientist. I think what this does is it allows us to shift the focus away from any agenda specific constituency. It's not just the scientist nor is it just the fishers, it could also be the villagers, it could also be the policymakers. That's the beauty of a community based fisheries management plan, it allows us all to have something put in the process.

Those who are directly affected in this case the village of *Humatak*, whether it's storm water runoff. That actually could be addressed on how you develop your roadways or non-source plane pollution or erosion as a result of deforestation. American Samoa, someone mentioned that their focus at this point in time for one of their community based plan has nothing to do with fish biomass. It has everything to do with the utilization of the commercial port and the recreational use of their adjacent waters specifically as it relates to their cultural heritage. Senator Morrison who championed that culture and Heritage Day is one small example of how the mayor through this legal framework can actually prohibit any watercraft to be deployed that day and enforce it. Now we just have to articulate how to do that but the plan would be on this day at that time of year because the people of whom have control over their marine resource. They can specify the best use of that resource. I just want to say for the record that Mayor Johnny Quinata is at the mayors' planning council meeting at the moment and he does reaffirm his support for the bill and that he may be submitting written testimony and a lot of time.

Chairperson Ada adjourned the public hearing for Bill No. 86-34 (COR), As Corrected by the Prime Sponsor.

Written Testimonies:

- **Manny Cruz**, *Acting Director, Bureau Statistics and Plans*
- **Matthew Sablan**, *Director, Department of Agriculture*
- **Mark Aguon**, *Law Enforcement Head, Department of Agriculture*
- **Ivan Skvaril**, *Member, Public Policy Institute*
- **Alice Yi**, *Member, Public Policy Institute*
- **Dr. Jason Biggs**, *Faculty Member, University of Guam, Marine Lab*

III. FINDINGS AND RECOMMENDATION

The Committee on Environment, Land, Agriculture and Procurement Reform finds that Bill No. 86-34 (COR), As Corrected by the Prime Sponsor, needs to address the following issues:

- A funding provision to provide “backup and manpower for the suppression of fish and wildlife crime, preservation of law and order, and to assist in civil emergencies.” Who would be responsible for implementation and maintenance of the funding?
- The enforcement of violations and demarcation of costal locations.
- Clarification on “reservists” and the training required.

The Committee on Environment, Land, Agriculture and Procurement Reform recommends that the concerns raised by the support agency directors, i.e. DoAg and BBMR, and the chief law enforcement representative from the DoAg, need to be addressed in order for effective implementation to be accomplished, particularly in the areas of law enforcement and technical assistance to development the rules and regulations.

The Committee on Environment, Land, Agriculture and Procurement Reform, hereby reports out **Bill No. 86-34 (COR), As Corrected by the Prime Sponsor**, with the recommendation to Report Out Only.

**I MINA'TRENTAI KUATRO NA LIHESLATURANGUAHAN
2017 (FIRST) Regular Session**

Bill No. 86-34 (COR)

Introduced by:

Wil Castro *DC*
Joe S. San Agustin *JS*
Louise Borja Muna *LB*
W. Morrison

AN ACT TO ADD A NEW SUBSECTION (d) 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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

2017 MAY - 5 PM 3: 39 *KB*

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that the
2 threats upon our coral reef, marine ecosystems and precious resources are diverse and vary
3 in scale. Such threats range from local fishing pressures, human and natural pollution
4 impacts, to global drivers of climate change and ocean acidification.

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

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

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

16 **Section 2.** This Act shall be known and may be cited as "Marine Conservation Act

1 of 2017."

2 **Section 3.** Subsection (d) is hereby *added* to §63101 of Chapter 63, Title 5 of the
3 Guam Code Annotated to read:

4 **“§ 63101. Definitions.**

5 (d) Community Based Fisheries Management - a system in which fishers and their
6 communities exercise primary responsibility for stewardship and management, including taking
7 part in decision-making on all aspects of management, such as harvesting, access, compliance,
8 research and marketing.”

9 **Section 4.** §63117.1. is hereby *added* to Chapter 63, Title 5 of the Guam Code
10 Annotated to read:

11 **“§ 63117.1. Purpose of Community Based Fisheries Management**

12 The purpose of a community based fisheries managed strategy is to empower coastal
13 resource communities to protect, preserve, manage, and conserve aquatic life, habitat, and
14 marine communities and ecosystems, and to ensure the health, welfare and integrity of marine
15 resources for current and future generations through a more holistic ecosystem based
16 management approach.

17 The Director of the Department of Agriculture, mayors and municipal planning councils
18 *shall* have the authority to designate community based fisheries managed areas and plans.

19 **Section 5.** §63117.2. is hereby *added* to Chapter 63, Title 5 of the Guam Code
20 Annotated to read:

21 **“§ 63117.2. Humatak Fisheries Managed Area and Plan**

22 The Director the Department of Agriculture and the Director of the Bureau of Statistics
23 and Plans *shall* provide the necessary technical assistance to the Mayor and Municipal Planning
24 Council (MPC) of *Humatak* to designate *Humatak* bay, inclusive of adjacent reef areas as
25 identified by the Mayor and MPC, as a community based fisheries managed area as well as for
26 the development of a community-based *Humatak* Fisheries Management Plan. The plan shall be
27 due within twelve (12) months upon enactment. The plan and any resulting rules and regulations
28 *shall* be in accordance with the Administrative Adjudication Act (AAA), Title 5, Guam Code

1 Annotated, Chapter 9, to carry out the provisions of the this Act. Such rules and regulations may
2 be revisited annually for revision through the AAA process.

3 In the event a final plan is not produced within twelve (12) months following enactment
4 of this Act, an interim report shall be produced at the end of said twelve (12) month period and
5 every six-month period thereafter. The interim report shall be submitted to the Guam Legislature
6 and the Bureau of Statistics and Plans.”

7 **Section 6. Severability.** If any provision of this Act or its application to any person or
8 circumstance is held invalid, the invalidity shall not affect other provisions or applications of this
9 Act which can be given effect without the invalid provisions or application, and to this end the
10 provisions of this Act are severable.

11 **Section 7. Effective Date.** This Act *shall* become effective upon enactment.



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



PRE-REFERRAL CHECKLIST

BILL NO. 86-34 (COR)		
AN ACT TO <i>ADD</i> A NEW SUBSECTION (d) 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.		
(A) Legal Bureau	(1) One subject matter? [SR § 6.01(a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Notice to Legal Bureau: <u>5/8/17</u>
	(2) Conform to Standing Rules as to form and style? [SR §§ 6.02(b) and (d), 6.03(d)] <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (Return to Prime Sponsor)	Completed by Legal Bureau: <u>5/16/17 9:25am</u>
(B) Office of Finance & Budget (OFB)	(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Notice to OFB: <u>5/8/17</u>
	(2) Does the Bill contain an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	Completed by OFB: <u>5/8/17 10:22am</u>
	(3) Does the Bill contain provisions that have <u>potential</u> fiscal impacts on the government of Guam budget? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
COR Action	Is the fiscal impact revenue negative to the government of Guam budget? <input type="checkbox"/> YES (Refer to Committee on Appropriations) <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	Completed by:



PRE-REFERRAL CHECKLIST

BILL NO. 86-34 (COR)		
AN ACT TO ADD A NEW SUBSECTION (d) 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.		
(C) DEBT		
(1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Received by: (Signature, Date & Time) 5/16/17 Completed by: (Signature, Date & Time) 1:58 Date & Time: 5/14/17 1:58
(2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	
(3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES (Return to Prime Sponsor) <input type="checkbox"/> NO <input type="checkbox"/> Waived (per official state of emergency, as attached)	
COR Action	<input checked="" type="checkbox"/> Return to Prime Sponsor <input type="checkbox"/> Refer to: As per A(2) to Sponsor WMC; sub. to committee refer to COMTE Ag. TCA.	

②.

For COR Office Use Only	Pursuant to COR decision (COR Meeting, April 3, 2017): Completed within five (5) working days? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Initial:
		If NO: Provide letter of explanation (see attached).





COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MEMO

To: Senator William M. Castro
From: Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules
Date: May 16, 2017
Re: Return of Bill No. 86-34 (COR) to Prime Sponsor

Buenas yan Håfa adai.

Please be advised that the Committee on Rules is unable to refer **Bill No. 86-34 (COR)** due to its inability to conform to the Standing Rules as to form and style (see (A)(2) on Pre-Referral Checklist).

Please be further advised that a more detailed analysis is available from the Legal Bureau. Please contact Attorney Julian Aguon, Legislative Legal Counsel at guamlegislativecounsel@gmail.com.

The Committee on Rules will continue to retain this bill in the pre-referral process, subject to corrections as submitted by the Prime Sponsor.

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

For guidance and questions, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-6453.

Thank you for your attention to this important matter.

Respectfully,


Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules



GUAM CONGRESS BUILDING • 163 CHALAN SANTO PAPA • HAGATÑA, GUAM 96910
Telephone: (671) 472-6453 • Email address: corguamlegislature@gmail.com

COR MEMO R-21-051617



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*

I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



May 16, 2017

The Honorable William M. Castro

Senator

I Mina'Trentai Kuåttro na Liheslaturan Guåhan

MVP Center, Unit 208

777 Route 4

Sinajana, Guam 96910

Re: Pre-Referral Process of Bill No. 86-34 (COR)

Buenas yan Háfa adai Senator Castro,

Pursuant to the decision of the Committee on Rules ("COR") on April 3, 2017, all bills must undergo the pre-referral process within five (5) working days. Please be advised that Bill No. 86-34 (COR) was not able to clear the pre-referral process within the required time-frame.


For your information, the Pre-Referral Checklist was sent to both the Legal Bureau and the Office of Finance and Budget ("OFB") on May 8, 2017. The OFB transmitted their electronic responses on May 8, 2017. The Legal Bureau transmitted their electronic responses on May 16, 2017. Please be advised that a follow-up notice was transmitted to the Legal Bureau on May 12, 2017.

As per the Legal Bureau, it was an oversight on their part.

Please be advised that the status of Bill No. 86-34 (COR) is that it has been returned to the Prime Sponsor due to its inability to conform to the Standing Rules as to form and style (see Pre-Referral Checklist). The COR will continue to retain this bill in the pre-referral process, subject to corrections as submitted by the Prime Sponsor.

Thank you for your understanding.

Respectfully, -


Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules




I MINA'TRENTAI KUATRO NA LIHESLATURAN GUAHAN
2017 (FIRST) Regular Session

Bill No. 86-34 (COR)
As corrected by Prime Sponsor

Introduced by:

William M. Castro
Joe S. San Agustin
Louise Borja Muña
Tommy A. Morrison

2017 MAY 30 AM 10:16


An act to *add* a new subsection (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.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan*
3 finds that the threats upon our coral reef, marine ecosystems and precious
4 resources are diverse and vary in scale. Such threats range from local fishing
5 pressures, human and natural pollution impacts, to global drivers of climate
6 change and ocean acidification.

7 *I Liheslaturan Guahan* further finds that such threats, if gone unchecked and
8 without proper mitigation, pose great harm to marine life, investments in
9 critical infrastructure, defenses, and the lives of the people who live in and
10 relay upon our coastal areas.

11 *I Liheslaturan Guahan* further finds such threats are too great to be managed
12 and addressed by any single agency of the government of Guam. *I*

13 *Liheslaturan Guahan* acknowledges that marine resources are not easy to fence
14 off, monitor and regulate and that such resources are common property and
15 available to all.

1 *I Liheslaturan Guahan* resolves that the protection and management of these
2 resources requires the support and cooperation of the local community through
3 a participatory approach grounded in community-based management to address
4 the full range of biophysical, socioeconomic, and governance issues facing our
5 coastal villages.

6 **Section 2.** This Act shall be known and may be cited as "Marine
7 Conservation Act of 2017."

8 **Section 3.** Subsection (cc) is hereby *added* to §63101 of Chapter 63,
9 Title 5 of the Guam Code Annotated to read:

10 **“§ 63101. Definitions.**

11 (d) Community Based Fisheries Management - a system in which fishers and
12 their communities exercise primary responsibility for stewardship and
13 management, including taking part in decision-making on all aspects of
14 management, such as harvesting, access, compliance, research and marketing.”

15 **Section 4.** §63117.1. is hereby *added* to Chapter 63, Title 5 of the
16 Guam Code Annotated to read:

17 **“§ 63117.1. Purpose of Community Based Fisheries Management**

18 The purpose of a community based fisheries managed strategy is to
19 empower coastal resource communities to protect, preserve, manage, and conserve
20 aquatic life, habitat, and marine communities and ecosystems, and to ensure the
21 health, welfare and integrity of marine resources for current and future generations
22 through a more holistic ecosystem based management approach.

23 The Director of the Department of Agriculture, mayors and municipal
24 planning councils *shall* have the authority to designate community based fisheries
25 managed areas and plans.

1 **Section 5.** §63117.2. is hereby *added* to Chapter 63, Title 5 of the
2 Guam Code Annotated to read:

3 “**§ 63117.2. Humatak Fisheries Managed Area and Plan**

4 The Director the Department of Agriculture and the Director of the Bureau
5 of Statistics and Plans *shall* provide the necessary technical assistance to the
6 Mayor and Municipal Planning Council (MPC) of *Humatak* to designate *Humatak*
7 bay, inclusive of adjacent reef areas as identified by the Mayor and MPC, as a
8 community based fisheries managed area as well as for the development of a
9 community-based *Humatak* Fisheries Management Plan. The plan shall be due
10 within twelve (12) months upon enactment. The plan and any resulting rules and
11 regulations *shall* be in accordance with the Administrative Adjudication Act
12 (AAA), Title 5, Guam Code Annotated, Chapter 9, to carry out the provisions of
13 this Act. Such rules and regulations may be revisited annually for revision through
14 the AAA process.

15 In the event a final plan is not produced within twelve (12) months following
16 enactment of this Act, an interim report shall be produced at the end of said twelve
17 (12) month period and every six-month period thereafter. The interim report shall
18 be submitted to the Guam Legislature and the Bureau of Statistics and Plans.”

19 **Section 6. Severability.** If any provision of this Act or its
20 application to any person or circumstance is held invalid, the invalidity shall not
21 affect other provisions or applications of this Act which can be given effect
22 without the invalid provisions or application, and to this end the provisions of this
23 Act are severable.

24 **Section 7. Effective Date.** This Act *shall* become effective upon
25 enactment.



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



JUN 14 2017

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules

Re: Fiscal Notes

Buenas yan Håfa adai.

Attached, please find the fiscal note for the following bill:

Bill No. 86-34 (COR), As Corrected by the Prime Sponsor

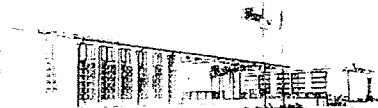
Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 86-34 (COR)**

AN ACT TO ADD A NEW SUBSECTION (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.

Department/Agency Appropriation Information	
Dept./Agency Affected: Agriculture (DOAg) / Bureau of Statistics and Plans (BSP)	Dept./Agency Head: Matthew L.G. Sablan / William McDonald
Department's General Fund (GF) appropriation(s) to date: DOAg (\$3,141,923) & BSP (\$1,251,880)	\$4,393,803
Department's Other Fund (Specify) appropriation(s) to date: DOAg / Guam Plant Inspection and Permit Fund (\$92,809), Tourist Attraction Fund (\$500,000)	\$592,809
Total Department/Agency Appropriation(s) to date:	\$4,986,612

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2016 Unreserved Fund Balance		\$0	\$0
FY 2017 Adopted Revenues	\$0	\$0	\$0
FY 2017 Appro. (P.L. 33-185)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2017 (if applicable)	FY 2018	FY 2019	FY 2020	FY 2021
General Fund	1/	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

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

Analyst: <u>Raymond Rieta, BMA I</u>	Date: <u>6/9/17</u>	Director: <u>Lester L. Carlson, Jr., Acting Director</u>	Date: JUN 14 2017
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Footnotes:
1 / See attached comments.

COMMENTS TO BILL No. 86-34 (COR)

Bill No. 86-34 proposes to grant authority to the Director of the Department of Agriculture (DOAg), Mayors, and Municipal Planning Councils (MPC) to designate community-based fisheries managed areas and plans. In addition, the bill specifically instructs the Directors of both DOAg and the Bureau of Statistics and Plans (BSP) to provide the necessary technical assistance to the Mayor and MPC of the village of *Humatak* to designate *Humatak* bay, as a community-based fisheries managed area as well as for the development of a community-based *Humatak* Fisheries Management Plan.

Per fiscal comments received from BSP, the agency estimates approximately \$73K in salaries and benefits would be required for the staffing of a Planner III to fulfill the mandates of the bill. In addition, a potential fiscal impact may also occur in the form of revenue generation (i.e. permits, penalties, and fines) from any future rules or regulations implemented in support of the Marine Conservation Act of 2017.

Lastly, there appears to be a technical error in Section 3 of the bill as it proposes to add §63101 (cc) to Chapter 63 of 5 GCA, yet §63101 (d) is indicated in the subsequent language.

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telenia C. Nelson,
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

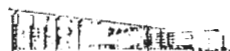
Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

COMMITTEE REPORT CHECKLIST

Part 1 / 1

<p>Bill No. 86-34 (COR) As corrected by the Prime Sponsor. 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.</p>		
<p>REFERRED TO: Senator Thomas C. Ada, Committee on Environment, Land, Agriculture, and Procurement Reform</p>		
<p>(A) FISCAL NOTE or WAIVER</p>	<p>(1) Requested by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Date & Time: <i>Fri., June 2, 2017 @ 4:54 p.m.</i></p>
	<p>(2) Received by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Date & Time: <i>Wed., June 14, 2017 @ 9:10 a.m.</i></p>
	<p>(3) Waived by COR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>	<p>Date & Time:</p>
	<p>(4) Bill contains appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>	<p>If YES: (4/5)(a) Funding Availability Note/Waiver (OFB) attached? <input type="checkbox"/> YES <input type="checkbox"/> NO (Unable to file CMTE Report)</p>
	<p>(5) Bill contains an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>	<p>(4/5)(b) Funding source identified? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))</p>
	<p>(6) Restrictions Against Unfunded Appropriations (2 GCA § 9101) <input type="checkbox"/> Identifies specific alternate funding source <input type="checkbox"/> De-appropriates from previous appropriation with available funds and fiscal note <input type="checkbox"/> Written certification by CMTE Chair that a situation exists which "threatens the safety, health and welfare of the community"</p>	<p>If no boxes checked: UNABLE TO PLACE ON SESSION AGENDA 2 GCA § 9102</p>



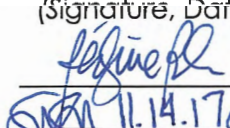
**Committee Report Checklist on
 Bill No. 86-34 (COR) As corrected by the Prime Sponsor.
 Part 1 / 1**

(B) PUBLIC HEARING	(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
	<input checked="" type="checkbox"/> (a) Five (5) working days prior (A L Senators & ALL Media)	Date and Time of Notice: <i>Tues, June 27, 2017 @ 11:16 a.m.</i>
	<input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media)	Date and Time of Notice: <i>Fri., June 30, 2017 @ 8:53 a.m.</i>
	(2) Date and Time of Hearing: <i>Wed., July 5, 2017 @ 9:00 a.m.</i>	or (4) HEARING WAIVED by Speaker in case of emergency SR § 6.04(a)(1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A If YES: Attach memo indicating WAIVER
	(3) Location: Public Hearing Room, Guam Congress Building	
	(5) AMENDMENTS or SUBSTITUTIONS BY COMMITTEE SR § 6.04(b)	
	(a) Committee elects to substitute bill? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: Date and Time: (a)(1) Vote sheet affirmative? <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(2) Preliminary report filed with COR? SR § 6.04(b)(2) <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(3) Public Hearing noticed? <input type="checkbox"/> YES <input type="checkbox"/> NO
	(b) Bill materially different after committee amendment or substitution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: SECONDARY PUBLIC HEARING MAY BE REQUIRED SR § 6.04(c)(3) <input type="checkbox"/> YES <input type="checkbox"/> NO
		COR Chair

Committee Report Checklist on
 Bill No. 86-34 (COR) As corrected by the Prime Sponsor.
 Part 1 / 1

(C) COMMITTEE REPORT	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES: Date & Time: <i>Tues., November 14, 2017 @ 10:43 a.m.</i>	Notes:	If NO: UNABLE TO PLACE ON SESSION AGENDA SR § 6.04(d)(1)
	(1)(a) Secondary CMTE Report filed with COR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A If YES: Date & Time:		
	(2) LAND LEGISLATION		
	(a) Bill involves government taking, transfer, purchase, or lease of land? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: ATTACH TWO (2) PROPERTY APPRAISALS TO CMTE REPORT SR § 6.04(c)(4) 2 GCA § 2107(b)	
	(a)(1) Please indicate on both columns: <table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> (i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease </td> <td style="width: 50%; vertical-align: top;"> (ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government </td> </tr> </table>		
	(i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease	(ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government	
	(b) Bill involves legislative land rezoning? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Land Zoning Consideration Report 2 GCA § 2110	
	(b)(1) Bill involves legislative rezoning of property zoned Agricultural (A)? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Agricultural Consideration Report (Dept. of Agriculture) 2 GCA § 2110 [Proceed to (b)(2)]	
	(b)(2) Proof of Agricultural consideration report reviewed by Guam Land Use Commission? 21 GCA § 61637 <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		

**Committee Report Checklist on
 Bill No. 86-34 (COR) As corrected by the Prime Sponsor.
 Part 1 / 1**

	(3) G.A.R.R. LEGISLATION SR § 6.04(c)(1) 5 GCA §§ 9301 and 9303		
	a) Bill involves approving or amending Rules and Regulations? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Economic Impact Statement 5 GCA §§ 9301 (d), 9301 (e), 9301 (f)	
(D) COMMITTEE REPORT (continued)	(4) COMMITTEE REPORT COMPONENTS		
	(a) Front Page Transmittal to Speaker	<input checked="" type="checkbox"/>	
	(a)(1) COR Chair Signature Line	<input checked="" type="checkbox"/>	
	(b) Title Page	<input checked="" type="checkbox"/>	
	(c) Committee Chair Memo to All Committee Members	<input checked="" type="checkbox"/>	
	(d) COR Referral Memorandum	<input checked="" type="checkbox"/>	
	(e) Notice of Public Hearing & Other Correspondence	<input checked="" type="checkbox"/>	
	(f) Public Hearing Agenda	<input checked="" type="checkbox"/>	
	(g) Public Hearing Sign-in Sheet	<input checked="" type="checkbox"/>	
	(h) Written Testimonies & Additional Documents	<input checked="" type="checkbox"/>	
	(i) Committee Vote Sheet(s)	<input checked="" type="checkbox"/>	
	(j) Committee Report Digest(s)	<input checked="" type="checkbox"/>	
	(k) Bill History	<input checked="" type="checkbox"/>	
	(k)(1) Copy of Bill as introduced	<input checked="" type="checkbox"/>	
	(k)(2) COR Pre-Referral Checklist	<input checked="" type="checkbox"/>	
	(k)(3) Copy of Bill as corrected by Prime Sponsor (if applicable)	<input checked="" type="checkbox"/>	
	(k)(4) Copy of Bill as amended/substituted by Committee (if applicable)	<input type="checkbox"/>	
	Substitute/Amended Mark-Up Version	<input type="checkbox"/>	
	Substitute/Amended Word-Version Emailed to COR?	<input type="checkbox"/>	
	(l) Fiscal Note/Waiver and Funding Availability Note (OFB)	<input checked="" type="checkbox"/>	
	(m) Two (2) Property Appraisals (if applicable)	<input type="checkbox"/>	
	(n) Related News Reports (optional)	<input type="checkbox"/>	
	(o) Miscellaneous (optional)	<input type="checkbox"/>	
	(p) Committee Report Checklist(s)	<input checked="" type="checkbox"/>	
		Originals	<input checked="" type="checkbox"/>
		Single-Sided	<input checked="" type="checkbox"/>
		Letter Size	<input checked="" type="checkbox"/>
		No Staples/ Paper Clips	<input checked="" type="checkbox"/>
(E) COR Action	<input checked="" type="checkbox"/> CMTE Report duly filed; Available for Placement on Session Agenda <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	COR CHAIR (Signature, Date & Time)  11.14.17 @ 11:00am.	

N/A
 N/A
 N/A
 N/A
 N/A
 N/A