EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

FEB 13 2018

GCH 34-FG-1520
Speaker Benjamin J.F. Cruz

FEB 13 2018
Time: 3:08 [ ] AM [ ] PM File No. 34-1518
Received By: Glenn

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Substitute Bill No. 86-34 (COR), **"AN ACT TO *ADD* NEW §§ 63101(cc), 63117.1, 63117.2 and 63117.3 TO ARTICLE 1 OF CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE DEVELOPMENT OF A COMMUNITY-BASED FISHERIES MANAGEMENT STRATEGY; TO BE KNOWN AND CITED AS THE "MARINE CONSERVATION ACT OF 2018","** which was signed on February 9, 2018, as **Public Law 34-72.**

Senseramente,

EDDIE BAZA CALVO

2018 FEB 13 PM 3:46 C.S.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

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

Benjamin J.F. Cruz
Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

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

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: FEB 09 2018

Public Law No. 34-72

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 86-34 (COR)
As corrected by the Prime Sponsor; and
substituted and amended on the Floor.

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

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

I Liheslaturan Guåhan further finds that such threats, if gone unchecked and without proper mitigation, 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.

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

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

Section 2. This Act *shall* be known and may be cited as the "Marine Conservation Act of 2018."

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

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

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

"§ 63117.1. Purpose of Community-Based Fisheries Management.

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

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

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

"§ 63117.2. *Humatak* Fisheries Managed Area and Plan.

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

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

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

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

"**§ 63117.3. No Effect to Existing Designated Marine Preserve Areas on Guam.**

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

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

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

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

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

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