



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUN 04 1998

Refer to
Legislative Secretary


The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Unpingco:


Enclosed please find Substitute Bill No. 641 (COR), "AN ACT TO AMEND RULES AND REGULATIONS FOR THE DEPARTMENT OF PARKS AND RECREATION, RELATIVE TO THE RECREATIONAL WATER USE MANAGEMENT PLAN", which I have signed into law today as **Public Law No. 24-218.**

This legislation amends the currently effective 1991 rules and regulations for recreational water use management relative to the operation of dinner boat cruises on East Agana Bay. Dinner boat cruises are a desirable attraction for our tourists and in most vacation destinations are a very popular activity. There are shallow bottom boats that can readily navigate on the shallow waters of East Agana Bay and will provide a beautiful setting to admire the shoreline and wonderful sunsets while dining. Also, the dinner boat cruises will be scheduled to coincide with jetskis which also operate in East Agana Bay during the daytime.

Very truly yours,

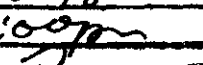

Carl T. C. Gutierrez
I Maga'lahaen Guåhan
Governor of Guam

00858

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: 
Time: 4:55pm
Date: 6.5.98

Attachment: copy attached for signed bill
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 6.5.98
Time: 3:00pm
Rec'd by: 
Print Name: R. Roberto

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 641 (COR), "AN ACT TO AMEND RULES AND REGULATIONS FOR THE DEPARTMENT OF PARKS AND RECREATION, RELATIVE TO THE RECREATIONAL WATER USE MANAGEMENT PLAN," was on the 22nd of May 1998, duly and regularly passed.



ANTHONY C. BLAZ
Acting Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahen Guahan this 29th day of May, 1998,
at 4:15 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 6-2-98

Public Law No. 24-218

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998(SECOND) Regular Session**

Bill No. 641 (COR)

As amended by the Author and substituted
by the Committee on Power, Foreign Affairs
and General Government Services and as
amended on the Floor.

Introduced By:

Felix P. Camacho
A. R. Unpingco
A. C. Lamorena, V
E. J. Cruz
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
C. A. Leon Guerrero
L. A. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
J. Won Pat-Borja

**AN ACT TO AMEND RULES AND
REGULATIONS FOR THE DEPARTMENT OF
PARKS AND RECREATION, RELATIVE TO THE
RECREATIONAL WATER USE MANAGEMENT
PLAN.**

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

2 **Section 1. Legislative Findings and Intent.** Section 77119(f) of Title
3 21 of the Guam Code Annotated authorizes the Department of Parks and
4 Recreation (“DPR”) to promulgate rules and regulations providing for
5 formulating a comprehensive plan and policy for the use and operation of
6 mechanized water-craft and other activities under the Recreational Water-Use
7 Management Plan (“RWUMP”). On August 21, 1991 DPR submitted its rules
8 and regulations for the RWUMP to *I Liheslaturan Guahan*. On December 22,
9 1991 the regulations became effective.

10 It is the intention of *I Liheslaturan Guahan* to repeal and reenact, and add
11 certain provisions to the regulations for the use and operation of mechanized
12 water-craft and other activities under RWUMP.

13 **Section 2.** Section 1 of Part 1 of the Rules Regulating the Use and
14 Operation of Mechanized Water Craft and other Activities promulgated
15 pursuant to RWUMP is hereby *repealed and reenacted* to read as follows:

16 **“Section 1. Purpose and Applicability.** The purpose of these
17 rules and regulations are to reduce conflicts among water users in the
18 recreational Water-Use Management Plan area, especially within those
19 areas of high activity, and to insure the safety and rights of the general
20 public. The Recreational Water-Use Management Plan (‘RWUMP’)
21 designates specific areas for specific uses, pursuant to the policy in 10
22 GCA Chapter 69 and §26017 of the Government Code of Guam, to
23 promote safety for persons and properties in and connected with the
24 use, operation and equipment of vessels.”

25 **Section 3.** Section 2.4 of Part 1 of the Rules Regulating the Use and

1 Operation of Mechanized Water Craft and other Activities promulgated
2 pursuant to RWUMP is hereby *repealed and reenacted* to read as follows:

3 "2.4. 'Commercial Vessel' means vessels used for commercial
4 purposes including, but not limited to, vessels used in Dinner Boat Cruise
5 Operations."

6 **Section 4.** Section 2.24 is hereby added to Part 1 of the Rules
7 Regulating the Use and Operation of Mechanized Water Craft and other
8 Activities promulgated pursuant to RWUMP to read as follows:

9 "2.24 'Dinner Boat Cruise Operations' means the operation of a
10 commercial vessel by a commercial operator for the purpose of
11 providing evening or night-time cruises during which food, drink
12 and/or entertainment (e.g. dinner and dancing) may be provided."

13 **Section 5.** Section 5.2(e) of Part 2 of the Rules Regulating the Use and
14 Operation of Mechanized Water Craft and other Activities promulgated
15 pursuant to RWUMP is hereby *repealed and reenacted* to read as follows:

16 "(e) Operation of MWRC will be permitted only during the hours
17 set forth in 10 GCA Section 69119 (b). This Section does not apply to
18 vessels regulated under §8, *Dinner Boat Operations*. Dinner Boat
19 Operations may not take place after 2:00 a.m. (Guam Standard Time)."

20 **Section 6.** Sections 8 through 17 of Part 2 of the Rules Regulating the
21 Use and Operation of Mechanized Water Craft and other Activities
22 promulgated pursuant to RWUMP are hereby renumbered §§9-18
23 respectively.

24 **Section 7.** A new Section 8 is hereby *added* to part 2 of the Rules

1 Regulating the Use and Operation of Mechanized Water Craft and other
2 Activities promulgated pursuant to RWUMP to read as follows:

3 **“Section 8. Dinner Boat Operations.** Dinner Boat Cruise
4 Operations shall be conducted in the waters of Guam in compliance
5 with all applicable United States Coast Guard licensing and safety
6 procedures, and with the laws of Guam, including Title 10, GCA,
7 Chapter 69 and applicable rules and regulations issued thereunder.
8 Dinner Boat Cruise Operations shall further be subject to the following
9 provisions:

10 **8.1 Certificate of Inspection.** Vessels to be engaged in
11 Dinner Boat Cruise Operations may not be operated without a
12 valid United States Coast Guard Certificate of Inspection as
13 required pursuant to 46 CFR §176.100 et seq.

14 **8.2 Application of RWUMP Regulations.** Dinner Boat
15 Cruise Operations shall be subject to RWUMP rules and
16 regulations otherwise applicable to commercial MWRCs and
17 vessels, except as noted in these rules and regulations.

18 **8.3 Course Designation Considerations.** In
19 designating a specific course for Dinner Boat Cruise Operations
20 pursuant to Section 9 of these rules and regulations, the
21 Department of Parks and Recreation shall consider the structure,
22 appearance, length, draft, speed operating modes, including the
23 suitability of the vessel for nighttime operations, maneuverability
24 and other characteristics of each vessel to be so engaged, as well
25 as the proposed hours of operation.

1 (a) Based upon such considerations, the
2 Department of Parks and Recreation and the Guam Police
3 Department may assign routes or corridors, where available,
4 in areas and waterways suitable for such vessels and for
5 such activity based on applicable boating safety
6 considerations.

7 (b) The Department of Parks and Recreation may,
8 as required by the nature of the course to be assigned, limit
9 the number and/or size and type of vessel(s) that may
10 conduct Dinner Boat Cruise Operations in such course, as
11 well as the hours of operation.

12 **8.4 Music/Entertainment.** The commercial operator of
13 each vessel engaged in Dinner Boat Cruise Operations shall
14 ensure that, to the extent music or other entertainment is
15 provided, such activity does not create public nuisance or
16 interfere with the safe and efficient management of the
17 Recreational Water-Use Management Plan area. Any violation of
18 this provision may result in revocation of such operator's
19 Recreation Vendor Permit and/or imposition of such fines and
20 penalties as may be permitted by law.

21 **8.5 Food.** The storage, preparation and provision of
22 food in the course of Dinner Boat Cruise Operations shall be
23 subject to 10 GCA Chapters 20 through 23, as well as applicable
24 United States Coast Guard specifications, including, but not
25 limited to, the following specific requirements:

1 (a) The Commercial Operator for each vessel
2 engaged in Dinner Boat Cruise Operations wherein food is
3 stored, prepared or provided shall obtain a sanitary permit
4 to engage in such activities pursuant to Chapter 21 of Title
5 10 of the Guam Code Annotated.

6 (b) Any vessel engaged in the preparation or
7 provision of food in the course of Dinner Boat Cruise
8 Operations shall be considered an "eating and drinking
9 establishment" as defined in §23101 of Chapter 23 of Title 10
10 of the Guam Code Annotated.

11 (c) All persons employed as handlers of food or
12 drink shall comply with the provisions of Chapter 22 of Title
13 10 of the Guam Code Annotated.

14 (d) All cooking areas, surfaces and appliances shall
15 conform to the specifications set forth with regards to the
16 same in 46 CFR §177.410.

17 **8.6 Alcohol.** The provision of alcohol in the course of
18 Dinner Boat Cruise Operations shall be subject to Chapter 3 of
19 Title 11 of the Guam Code Annotated, the Alcoholic Beverage
20 Control Law, with the following additional requirements:

21 (a) The Commercial operator of any vessel engaged
22 in Dinner Boat Cruise Operations wherein alcoholic
23 beverages are to be sold shall obtain an appropriate Retail
24 Dealer's on-sale License; provided, however, that such
25 license shall permit the sale of alcoholic beverages only

1 during the course of a Dinner Boat Cruise Operation.

2 (b) No alcoholic beverage shall be consumed by any
3 Commercial Operator or employee of a Dinner Boat Cruise
4 Operation at any time while on board a vessel engaged in
5 such operation.

6 **8.7 Passenger Limitation/Seating Requirements.** Unless
7 otherwise allowed by an Officer in Charge, Marine Inspection, of
8 the United States Coast Guard, the following shall apply to vessels
9 engaged in Dinner Boat Cruise Operations:

10 (a) The maximum number of seating passengers
11 permitted on any such vessel shall be the greatest number
12 permitted by the length of rail criterion as described in 46
13 CFR §176.113, or a combination of such criteria as permitted
14 thereunder.

15 (b) Passenger seats and seat arrangements on board
16 any such vessel must conform to the following
17 specifications:

18 (i) Aisles of not more than fifteen feet (15' or
19 3.8m) in overall length must be not less than twenty-
20 four inches (24" or 610 mm) in width, and aisles of
21 more than fifteen feet (15' or 3.8 m) in overall length
22 must be not less than thirty inches (30" or 760 mm) in
23 width.

24 (ii) Seats must be constructed and installed to
25 minimize the possibility of injury, avoid trapping

occupants, and provide for ready escape.

8.8 Lifesaving and Escape Requirements. Vessels engaged in Dinner Boat Cruise Operations shall adhere to the following minimum requirements:

(a) Every vessel shall carry at least one (1) United States Coast Guard approved adult type life preserver for each person on board and, in addition, unless the service is such that children are never carried, there shall be provided a number of approved life preservers suitable for children equal at least ten percent (10%) of the total number of persons carried, so placed as to be readily accessible. All lifesaving devices shall be kept in good and serviceable condition.

(b) Every vessel shall be provided with such number, size, and type of United States Coast Guard approved fire extinguisher, as may be prescribed by the regulation of the Guam Police Department and/or the United States Coast Guard which fire extinguishers shall at all times be maintained in good and serviceable condition for immediate and effective use and so placed as to be readily accessible.

(c) Each vessel must comply with the applicable escape requirements set forth in 46 CFR §177.500.

8.9 Lighting Requirements. All vessels operating in the waters of Guam from sunset to sunrise shall carry and exhibit

lights when underway in compliance with the regulations of the United States Coast Guard and/or the Guam Police Department. During such time no other lights shall be used which may be mistaken and/or confused with navigational lights or aids.”

Section 8. Section 16.1(b)(3) of Part 2 of the Rules Regulating the Use and Operation of Mechanized Water Craft and other Activities promulgated pursuant to RWUMP is hereby *repealed and reenacted* to read as follows:

“(3) Prior to the issuance of the Recreation Vendor Permit, the applicant must have in place, and shall maintain at all times, liability insurance with a minimum coverage of One Hundred Thousand Dollars (\$100,000.00) per MWRC. In the case of an applicant seeking to conduct Dinner Boat Cruise Operations the minimum coverage shall be One Million Dollars (\$1,000,000.00).”

Section 9. Section 17(g)(2) of Part 2 of the Rules Regulating the Use and Operation of Mechanized Water Craft and other Activities promulgated pursuant to RWUMP is hereby *repealed and reenacted* to read as follows:

“(g)(2) A yearly user’s fee of One Thousand Dollars (\$1,000.00) for July 1 to June 30 shall be payable to the Department of Parks and Recreation. Upon issuance of a Recreation Vendor Permit, a One Thousand Dollar (\$1,000.00) fee is required. The entire fee shall be payable on or before June 30. If issued a Recreation Vendor Permit, no portion of the fee shall be refundable. Failure to renew a permit and pay the entire fee by August 31st, shall void a renewal of §3(c). In the case of an applicant seeking to conduct Dinner Boat Cruise Operations, the Recreation Vendor Permit fee shall be One Thousand Dollars

1 (\$1,000.00).”

2 **Section 10. Approval of Dinner Boat Route.** The Dinner Boat Route
3 for East Agana Bay as illustrated on Key Map 001 attached to this Act as
4 “**Exhibit A**” is hereby *approved*.

5 **Section 11. Severability.** If any provision of this law or its
6 application to any person or circumstance is found to be invalid or contrary
7 to law, such invalidity shall not affect other provisions or applications of this
8 Law which can be given effect without the invalid provisions or application,
9 and to this end the provisions of this Law are severable.

**RECREATIONAL WATER USE
MANAGEMENT PLAN
(DPR 91-1001 A RWUMP 001)
KEY MAP AREA**

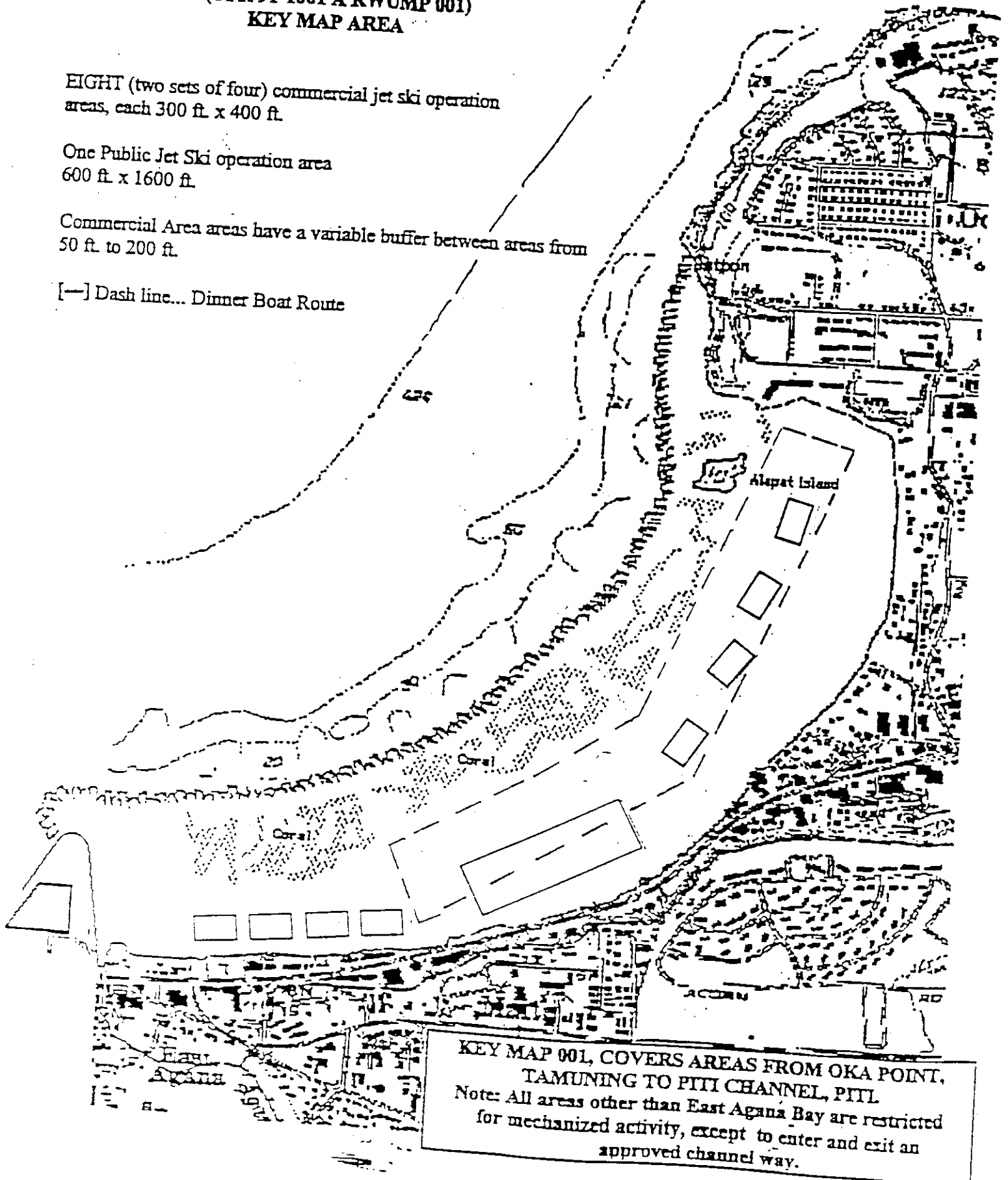
(EXHIBIT A)

EIGHT (two sets of four) commercial jet ski operation areas, each 300 ft. x 400 ft.

One Public Jet Ski operation area
600 ft. x 1600 ft.

Commercial Area areas have a variable buffer between areas from
50 ft. to 200 ft.

[---] Dash line... Dinner Boat Route



KEY MAP 001, COVERS AREAS FROM OKA POINT,
TAMUNING TO PITI CHANNEL, PITI
Note: All areas other than East Agana Bay are restricted
for mechanized activity, except to enter and exit an
approved channel way.

24-218



SEVENTY-FOURTH
GUAM LEGISLATURE

Senator Felix P. Camacho

Power, Foreign Affairs and General Government Services

158 Agaña Street
Agaña, Guam 96910

472-3505/6

472-9747

May 18, 1998

The Honorable
Antonio R. Unpingco
Speaker, 24th Guam Legislature
Agana, Guam

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Foreign Affairs & General Government Services, to which was referred **Bill No. 641** "An act to amend rules and regulations for the Department of Parks and Recreation relative to the Recreational Water Use Management Plan" does hereby report back with the recommendation **TO DO PASS** as Amended by the Author and Substituted by the Committee.

Votes of committee members are as follows:

<u>9</u> ✓	To pass
_____	Not to pass
_____	To place in inactive file
_____	Abstained
<u>5</u>	Not available/Off island

FELIX P. CAMACHO
Chairman

Attachments

BILL NO. 641, VOTING SHEET

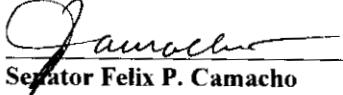
COMMITTEE MEMBERS

TO PASS

NOT TO PASS

ABSTAIN

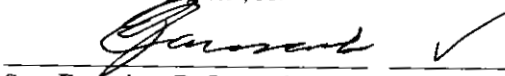
**TO PLACE IN
INACTIVE FILE**


Senator Felix P. Camacho

Sen. Lawrence F. Kasperbauer


Sen. Thomas C. Ada


Sen. Frank B. Aquon, Jr.


Sen. Francisco P. Camacho

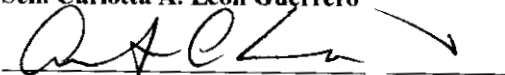

Sen. Mark C. Charfauros

Sen. Edwardo L. Cruz, MD


Sen. William B. S.M. Flores


Sen. Carlotta A. Leon Guerrero

Sen. Alberto A.C. Lamorena V


Sen. Vicente C. Pangelinan

Sen. Vicente C. Pangelinan


Sen. Angel L.G. Santos

Sen. Francis E. Santos

Sen. Antonio R. Unpingco*
(ex-officio member)

Sen. Judith Won-Pat Borja

**COMMITTEE ON POWER, FOREIGN AFFAIRS
AND GENERAL GOVERNMENT SERVICES
TWENTY-FOURTH GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910**

COMMITTEE REPORT

ON

BILL 641

**“An act to amend rules and regulations for the
Department of Parks and Recreation relative to the
Recreational Water Use Management Plan.”**

COMMITTEE MEMBERS

Chairman: Felix P. Camacho
Vice Chairman: Lawrence F. Kasperbauer
Ex-Officio Member: Speaker Antonio R. Unpingco

Thomas C. Ada
Frank B. Aguon, Jr.
Elizabeth Barrett-Anderson
Francisco P. Camacho
Mark C. Charfauros
Edwardo J. Cruz, M
William B. S.M. Flores

Alberto A.C. Lamorena,
Carlotta A. Leon Guerrero
Vicente C. Pangelinan
Angel L.G. Santos
Francis E. Santos
Judith Won Pat-Borja

**COMMITTEE REPORT
POWER, FOREIGN AFFAIRS, AND GENERAL GOVERNMENT
SERVICES**

BILL NO. 641

**“An act to amend rules and regulations for the
Department of Parks and Recreation, relative to the
Recreational Water Use Management Plan.”**

PUBLIC HEARING

Monday, May 18, 1998 at 9:00 a.m. to hear testimonies on Bill No. 641.

SENATORS PRESENT

Felix P. Camacho	Chairman
L. F. Kasperbauer	ViceChair
F. B. Aguon, Jr.	Member
J. M.S. Brown	Guest
V.C. Pangelinan	Member
C.M. Leon Guerrero	Member
E. J. Cruz	Member
Francisco P. Camacho	Member

PRESENT TO TESTIFY

Bruce Kloppenburg	President, Kloppenburg Enterprises
A. J. Sonny Shelton	Director, Department of Parks and Recreation
Gerry Davis	Department of Agriculture, Div of Aquatic & Wildlife Resources
Frank Santos	Harbor Master, Port Authority

BACKGROUND

Amendments to the Rules Regulating the Use and Operation of Mechanized Water-Craft and other Activities promulgated pursuant to RWUMP were submitted to the Legislature on March 30, 1998 by the Department of Parks and Recreation.

Said Rules were referred to the Committee on Power, Foreign Affairs and General Government Services on April 6, 1998 for appropriate action. Key Map 001 was submitted to the Legislature on May 8, 1998 and referred to the Committee on May 13, 1998.

Bill 641 was introduced on May 7, 1998 by Sen. Felix P. Camacho and referred to the Committee

on May 11, 1998.

Fiscal Note has not been received.

TESTIMONY AND DISCUSSION

Mr. Bruce Kloppenburg: Submitted and read written statement on Bill 641 in favor of its provisions. (See attachment)

Mr. A.J. Sonny Shelton: Public Hearings on Dinner Boat Cruises in East Agana Bay were held by DPR. No opposition presented. Survey done by Kloppenburg shows such cruise is viable in the bay with no environmental impact. DPR's position - supports the effort and the economic benefits.

Sen. Pangelinan: Inquired as to whether the Bill regulated the number of vessels able to use the bay.

Shelton: Number of vessels are determined by DPR. Foresees 3 such dinner boats in the near future. There have been 2 other permit applications. Practically, 5 vessels per course is possible.

Pangelinan: Inquired on the permitting procedure for such operations.

Shelton: 1st come, 1st serve.

Sen. F.B. Aguon, Jr.: Based on infrastructure in area, 3-company capacity or 3-vessel capacity?

Shelton: 3 vessel capacity. East Agana Bay maximum capacity is 10 vessels.

Aguon, Jr.: Commends Kloppenburg on environmental consciousness. What is Kloppenburg's concern with fee structure?

Kloppenburg: Bill 641 discriminates against his Dinner Boat Operations as it (\$5,000.00) is higher than other RWUMP operators' fees (\$1,000.00). Furthermore, other Dinner Boat Operations pay no fees. Inequity exists among operators.

Shelton: All operators under the Plan should pay a \$5,000.00 user fee. Guam has lost thousands of dollars in revenue in the past due to low fees.

Sen. J.M.S. Brown: Same concern regarding fee structure. Should look at standardizing fee structure for the use of public resources. In the future we should look at these types of projects and determine what specific uses we want for specific areas. Decision needs to be made on what we want to preserve and what we want to put out for these operations. Inquired on the current number of jet skis operating in East Agana Bay.

Gerry Davis: 170.

Sen. Felix P. Camacho: Inquired on the maximum number of jet skis allowed in East Agana Bay.

Shelton: Maximum number has been attained.

Gerry Davis: The maximum number of skis is regulated by insurance. Currently, East Agana Bay is at its maximum jet ski capacity.

Dept. Of Agriculture's concerns: When jet ski operations began, it was made clear by the Department of Agriculture that significant environmental damage would be done to the bay. This has happened. Lost coral around jet ski courses due to sediment. After storms, coral is breaking in decreasing amounts from the courses. Suspect it is due to noise attenuation. There are studies that show adverse effects of low pulse vibrations on coral. The Department continues to monitor the area.

Another user will impact the bay environmentally. Applicant has been environmentally conscious. Jet drives will do damage, but no more than jet skis.

There are problems with the proposed course. Depth contours are inconsistent because when surveying, they used a reference based on datum for high tide rather than low tide. Shows more water than really exists. Operator will not be able to operate in the proposed course as there won't be any water there. Deep areas have very large coral heads. Tumon operators will not operate in East Agana Bay due to level of difficulty in navigation.

Applicant has adjusted operation, but Dept. Of Agriculture is concerned with the possibility of other vendors and courses.

Government or private sector could dredge area near Onward where there exists a man made causeway which inhibits the quality of water as well as the access that vessels may need to get into deep water. Onward was permitted to do said dredging, but did only enough to create a swimming area for their guests. They were permitted to do more than they needed to do.

Maps need to be finalized with DPR. Concerns with navigating in East Agana Bay: Not a straight drift, takes place at night, lack of markers.

Brown: Concerned with conflicting uses between jet ski operators and dinner boat operations.

Davis: Jet ski commercial operators typically operate between 9am - 4pm. Public operators must stop before dark. Foresees no conflict.

Other concerns: Loss to fisheries in the bay, fueling & sewage issues.

Dept. Of Agriculture's recommendation: Approval of Bill 641, but revisit RWUMP as a whole to address all concerns. Manahak run needs to be addressed in the RWUMP.

Shelton: Manahak run situation. Ordinarily, DPR in consultation with Dept. Of Agr. determines the size of a run. Notifies commercial operators. Large run = Bay closure. Smaller, sporadic runs = course shifting.

Davis: Concerning RWUMP: Manahak issue needs to be addressed, maps for Cocos Lagoon and Apra Harbor need to be looked at. There exists at Apra Harbor a potential death situation as divers and jet skiers share similar areas.

Sen. C. Leon Guerrero: Noted that Port Authority is undergoing a comprehensive review of the Harbor Rules & Regs. Inquired about Onward's obligation to complete dredging job they were permitted to do.

Davis: Not obligated.

E.J. Cruz: Concerns: Permitting smoking and alcoholic beverages could lead to pollution of the bay through cigarette butts , beer cans and bottles.

Kloppenburg: Japanese tourists are very environmentally conscious.

Sen. E.J. Cruz: Possibility of dredging both sides of the bay.

Davis: Department not supportive of dredging lagoons. Not able to predict the resulting current pattern. Cited Fiji where dredging turned lagoon into mud flat. Area near Onward had been humanly altered and should be dredged. Area near Agana River outflow should not. Current patterns could cause mud to flow into the bay.

E.J. Cruz: Concerned with agency cooperation as RWUMP is a multi-agency issue.

Davis: Rules & Regs should simply reference federal law as Coast Guard standards already address most of the issues.

Kloppenburg: Boat is in full compliance with the Coast Guard.

Sen. Frank P. Camacho: Dept. Of Agriculture should take steps into looking at the long term effects of the bay.

Davis: Currently engaged in, and will continue fish monitoring and coral assessments.

Kasperbauer: Would like to see dinner boat operations in East Agana Bay soon. Ensure it does not impact other operators of the bay. Inquired on the accuracy of manahak run predictions.

Shelton: Runs are generally consistent. (Last quarter moon of May, June and October). Everyone in the industry is well aware of this fact.

Kloppenborg: Appealed to proceed with the amendments “as is.” Recognizes the need to revise the entire RWUMP, but has been waiting for 2 years for GovGuam to approve his application (Unjustified).

Shelton: Agrees that Bill 641 should be passed as Kloppenburg has been waiting for 2 years. The RWUMP should then be addressed and revised as a whole.

Frank Santos: Concerned that amendments to RWUMP would conflict with the Harbor Rules & Regulations.

Felix P. Camacho: Conclusion.

FINDINGS

The Legislature finds that certain provisions to the regulations for the use and operation of mechanized water-craft and other activities under the RWUMP should be amended and added to allow for the operation of Dinner Boat Cruises. The Legislature further finds that a course designation is needed for the operation of such cruises in East Agana Bay.

RECOMMENDATION

The Committee on Power, Foreign Affairs and General Government Services wishes to report out Bill No. 641 As Amended by the Author and Substituted by the Committee **TO DO PASS.**