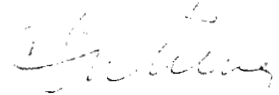



EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

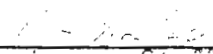
This is to certify that Bill No. 384 (COR), "AN ACT TO DESIGNATE THE DEPARTMENT OF AGRICULTURE AS THE AQUACULTURE LEAD AGENCY TO DEVELOP A MASTER AQUACULTURE PERMIT APPLICATION," was on the 25th day of September, 1985, duly and regularly passed.


CARL T. C. GUTIERREZ
Speaker


Attested:


JOHN P. AGUON
Senator and
Acting Legislative Secretary

This Act was received by the Governor this 27th day of September, 1985, at 5:00 o'clock a.m.


Assistant Staff Officer
Governor's Office

APPROVED:


EDWARD D. REYES
Acting Governor of Guam

Date: 10/7/85

Public Law No. 18-18

2:25 PM

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 384 (COR)

Introduced by:

P. C. Lujan
T. S. Nelson
F. F. Blas

AN ACT TO DESIGNATE THE DEPARTMENT OF
AGRICULTURE AS THE AQUACULTURE LEAD AGENCY
TO DEVELOP A MASTER AQUACULTURE PERMIT
APPLICATION.

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

2 WHEREAS, Guam can become a major island producer of aquaculture
3 products and technology in the Western Pacific; and

4 WHEREAS, the productions from aquaculture can assist in import
5 substitution and develop into a major export product of Guam; and

6 WHEREAS, the Legislature has been informed by outside investors that
7 large-scale aquaculture cannot be developed on Guam because of the
8 numerous permits required to be obtained from the different departments,
9 agencies and instrumentalities of the Government of Guam and the federal
10 government; now, therefore, be it enacted

11 Section 1. The Department of Agriculture is hereby designated the
12 Aquaculture Lead Agency to develop a Master Aquaculture Permit
13 Application.

14 Section 2. The Department of Agriculture shall develop a plan
15 pursuant to the Administrative Adjudication Law, in cooperation with the
16 departments, agencies and instrumentalities of the Government of Guam
17 currently involved in the issuance of permits leading to the issuance of an
18 aquaculture permit. Such plan shall be submitted to the Governor and the
19 Legislature within three (3) months from enactment of the Act. The plan
20 shall streamline the process of applying for such permit and the duration of
21 time from application to issuance or denial of such permit.

1 Section 3. All departments, agencies and instrumentalities of the
2 Government of Guam shall assist the Department of Agriculture in the
3 development of a Master Aquaculture Permit Application Plan.

4 Section 4. Notwithstanding the provisions of Section 6010 of the
5 Government Code, enacted in Section 17 of P.L. 18-1, the appropriation
6 made in Section 13 of P.L. 16-114 shall continue to be available until
7 September 30, 1986.

EIGHTEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No.: 282

DATE: 9-25-85

Resolution No.: _____

QUESTION: _____

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. F. Ada	✓			
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. M. Bamba	✓			
F. F. Blas	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
C. T. C. Gutierrez	✓			
F. J. Gutierrez	✓			
A. C. Lamorena III	✓			
P. C. Lujan				✓
M. D. A. Manibusan	✓			
J. Miles				
T. S. Nelson	✓			
D. Parkinson				✓
F. J. Quitugua	✓			
J. M. Rivera	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

18

2



Chairman
PILAR C. LUJAN
Senator

Members
Senator John P. Aguon
Senator Elizabeth P. Arriola
Senator Edward R. Duenas
Senator Franklin Gutierrez

P.O. BOX CB-1
AGANA, TERRITORY OF GUAM
U.S.A. 96910

**COMMITTEE ON ECONOMIC DEVELOPMENT,
HOUSING AND COMMUNITY DEVELOPMENT**

September 16, 1985

The Honorable Carl T.C. Gutierrez
Speaker, Eighteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Via: Chairman, Committee on Rules

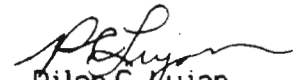
Dear Mr. Speaker;

The Committee on Economic Development Housing and Community Development to which was referred Bill No. 384 wishes to report its findings and recommendation **TO PASS**.

The Committee voting records is as follows:

TO PASS	<u>4</u>
TO NOT PASS	<u>0</u>
ABSTAIN	<u>0</u>
COMMENTS	<u>0</u>

A copy of the Committee Report and all pertinent documents are enclosed for your information.


Pilar C. Lujan
Committee Chairwoman

COMMITTEE ON ECONOMIC DEVELOPMENT,
HOUSING AND COMMUNITY DEVELOPMENT

REPORT ON
BILL NO. 384

AN ACT TO DESIGNATE THE DEPARTMENT OF
AGRICULTURE AS THE AQUACULTURE LEAD
AGENCY TO DEVELOP A MASTER AQUACULTURE
PERMIT APPLICATION.

On Thursday, July 11, 1985, the Committee on Economic Development, Housing and Community Development convened in the Legislative Conference Room on Bill No. 384.

Testimony was received from Rufo J. Lujan, Deputy Director, Department of Agriculture.

BACKGROUND

The intent of Bill No. 384 is to lessen the time necessary to obtain all the necessary permits to start an aquaculture business by simplifying the process through centralization. The Department of Agriculture would be the lead agency and would have the responsibility for creating the Master Aquaculture Permit Application. Currently the permit application process is quite lengthy (see attached table).

TESTIMONY

Decentralization was cited as the main problem encountered by those seeking aquaculture permits according to Rufo J. Lujan. For example, if an individual is interested in constructing an aquaculture facility on Guam a series of permits both local and federal may be required depending upon the location and type of aquaculture facility being built. The agency issuing the permit often calls upon other agencies to review and comment on the permit application before approval or denial to see if there is any major contradiction to that agency's policy. The Bureau of Planning, Department of Parks and Recreation and Department of Agriculture usually function as reviewing agencies and not as the permit issuing agency.

Generally, the Bureau of Planning as mentioned would serve as a reviewing agency of permits when requested. However, that is not the case if an aquaculture project requires any federal permits (i.e. U.S. Army Corps of Engineers) or is wholly or partially federally funded, in which case a finding of consistency with the Guam Coastal Management Program is required. This means that the policies of the Guam Coastal Management Program (GCMP) must be complied with to the maximum extent practicable. This would not involve the issuance of a permit by the Bureau of Planning, but instead an approval or denial of an application permit submitted through the appropriate issuing agency as to whether the application complies with the GCMP. Guam's coastal zone includes all non-Federal property within the Territory of Guam, including offshore islands and the submerged lands and waters extending seaward to a distance of three nautical miles, so in essence the use of all non-Federal land must comply with the GCMP.

Also serving as a review agency that examines permits and environmental impact statements from the Territorial Planning and Seashore Protection Commission and the U. S. Army Corps of Engineers is the Department of Parks and Recreation. They are however the issuing agency for a permit involving proposed facilities to be located within a unit of the Guam Territorial Park System or effecting a cultural or historic resource. Under Sections 26003 and 26011 of the Government Code of Guam an aquaculture facility within the Guam Territorial Park System would require a permit from the Department of Parks and Recreation. Protection of cultural and historic resources (includes underwater sites) is a responsibility of the Department of Parks and Recreation by virtue of Chapter XIII, Government Code of Guam. Section 13985.19 states the requirement for clearance by the Department of Parks and Recreation prior to Construction.

The construction of earthen ponds requires an excavation permit from the Department of Public Works. The construction of structures such as a storage shed, living quarters, water shortage tanks, and concrete walled ponds require a building permit from Public Works. Land Management must also issue a permit denoting that the proposed construction does not violate the zoning law. All building construction requires a permit from Public Safety's Fire Department. Guam Power Authority must inspect the premises before installing electrical power and if a power line and power poles are required into private property an easement must be signed by the owner of the property. To obtain potable water Public Utility Agency of Guam must inspect the premises. An access road constructed within private property does not require a permit unless major excavation is involved, then an excavation permit is required from Public Works.

Department of Agriculture issues permits for the importation of live aquatic animals and plants. The importation of new species of an aquatic animal and terrestrial animals to Guam is reviewed by an importation review committee consisting of members from the Department of Agriculture, University of Guam, Guam Environmental Protection Agency, Department of Commerce, Department of Public Health, and the private sector.

The Department of Land Management in which the Territorial Planning Commission and the Territorial Seashore Commission are located serves as a review and approving agency for permits involving land use. They are not issuing agencies.

The Guam Environmental Protection Agency (GEPA) must review various permits before they are issued by the issuing agency, for example all clearing and grading permits must be reviewed and approved by GEPA as to the compliance with the Soil Erosion and Sediment Control Rules and Regulations. In land zoning GEPA would have input into requests for conditional use permits or zoning variances through the Subdivision and Development Review Committee.

Although the Department of Revenue and Taxation does not have the responsibility of issuing permits or reviewing permit application it does require an aquaculture operation once it starts to market its product to obtain a retail or wholesale business license.

COMMITTEE FINDINGS

The aquaculture industry has the potential for being one of the most productive sectors of the island's economy. There are several reasons why the industry has not been more successful to date. The lack of a hatchery for larva on the island, the lack of relative technical expertise among some of the producers and the long and involved process in obtaining the necessary permits to start operations.

Bill No. 384 would consolidate and simplify the application permit process and would greatly assist potential businessmen and assure the equal compliance of all aquaculture facilities to the permit requirements.

COMMITTEE RECOMMENDATION

The Committee hereby recommends that Bill No. 384 **TO PASS**.

ATTACHMENTS

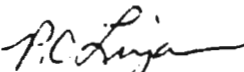
1. Bill No. 384
 2. Testimony, Rufo J. Lujan, Department of Agriculture
 3. Table 6
-

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) REGULAR SESSION

Bill No.

384

Introduced by:


P.C. LUJAN

"AN ACT TO DESIGNATE THE DEPARTMENT
OF AGRICULTURE AS THE AQUACULTURE
LEAD AGENCY TO DEVELOP A MASTER
AQUACULTURE PERMIT APPLICATION."

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

WHEREAS, Guam can become a major island producer of aquaculture products and technology in the Western Pacific; and

WHEREAS, the productions from aquaculture can assist in import substitution and develop into a major export product of Guam; and

WHEREAS, the Legislature has been informed by outside investors that large-scale aquaculture cannot be developed on Guam because of the numerous permits required to be obtained from the different departments, agencies and instrumentalities of the Government of Guam and the federal government; now, therefore, be it enacted

Section 1. The Department of Agriculture is hereby designated the Aquaculture Lead Agency to develop a Master Aquaculture Permit Application.

Section 2. The Department of Agriculture shall develop a plan, in cooperation with the departments, agencies and instrumentalities of the Government of Guam currently involved in the issuance of permits leading to the issuance of an aquaculture permit, and to submit such plan to the Governor and the Legislature within three (3) months from enactment of the Act. Such plan shall recommend legislation necessary to streamline the process of applying for such permit and the duration of time from application to issuance or denial of such permit.

Section 3. All departments, agencies and instrumentalities of the Government of Guam shall assist the Department of Agriculture in the development of a Master Aquaculture Permit Application Plan.

ELIZABETH P. TORRES

DIRECTOR



RUFO J. LUJAN

Deputy Director



AGANA, GUAM 96910

Agricultural Development Services 734-3947
Aquatic & Wildlife Resources 734-3944
Forestry & Soil Resources 734-3948
Animal Industry 734-3940
Plant Industry 734-3949

Sales & Permit Info 734-3945
Administrative Ser. 734-3941/2

July 11, 1985

The Honorable Pilar C. Lujan
Chairperson, Committee on Economic
Development Housing and Community
Eighteenth Guam Legislature
P.O. Box CB
Agana, Guam 96910

Dear Senator Lujan:

I am submitting my comments in support of Bill No. 384 on the development of a master aquaculture permit application. I am also commenting on behalf of the Administration in support of this bill.

Thank you for the opportunity to comment.

Sincerely,


ELIZABETH P. TORRES
Director

TABLE 6

RESPONSIBLE AGENCIES FOR ISSUANCE OF PERMITS FOR AQUACULTURE RELATED ACTIVITIES

	ARMY COE	PUBLIC WORKS	LAND MANAGEMENT AND SEASHORE PROTECTION COMM. & TERRITORIAL PLANNING COMMISSION	GEPA	BOP	DOA	PARK & REC.	REV. & TAX.	PUBLIC HEALTH	PU
1. Construction of earthen ponds	Yes*	Yes	No	No	No	No	No	No	No	
2. Construction of concrete ponds	Yes*	Yes	No	No	No	No	No	No	No	
3. Construction of drainage systems	Yes*	Yes	No	No	No	No	No	No	No	
4. Pumping water from wells	No	No	No	Yes	No	No	No	No	No	
5. Pumping water directly from streams or lakes	No*	No	Yes	No	No	No	No	No	No	
6. Pumping water directly from the ocean	No*	No	Yes	No	No	No	No	No	No	
7. Discharge of effluent through an Injection well	No	No	No	Yes	No	No	No	No	No	
8. Discharge of effluent to surface water	No	No	No	Yes	No	No	No	No	No	
9. Land zoning requirements	No	No	Yes	No	No	No	No	No	No	
10. Construction of an aquaculture facility in a flood hazard areas	No	No	No	No	No	No	No	No	No	
11. Construction of an aquaculture facility in a wetlands area	Yes	Yes	Yes	No	No	No	No	No	No	

TABLE 6
RESPONSIBLE AGENCIES FOR ISSUANCE OF PERMITS FOR AQUACULTURE RELATED ACTIVITIES (continued)

	ARMY COE	PUBLIC WORKS	LAND MANAGEMENT & SEASHORE PROTECTION COMM. & TERRITORIAL PLANNING COMMISSION	GEPA	BOP	DOA	PARK & REC.	REV. & TAX	PUBLIC HEALTH	PUAG
12. The use of fish cages in streams, lagoons or bays	Yes	No	Yes	No	No	No	No	No	No	No
13. The use of fish pen in bays or lagoons	Yes	No	Yes	No	No	No	No	No	No	No
14. Importation of live aquatic animals and plants	No	No	No	No*	No*	Yes	No*	No*	No	No
15. Construction of farm access roads	No*	Yes	No	No	No	No	No	No	No	No

* Refer to further explanation under appropriate agency.


Introduced

MAY 17 '85

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) REGULAR SESSION

Bill No. 384 (COR)

Introduced by:


P.C. LUJAN

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