



*Territory of Guam  
Federated Guam*

MAY 29 1992

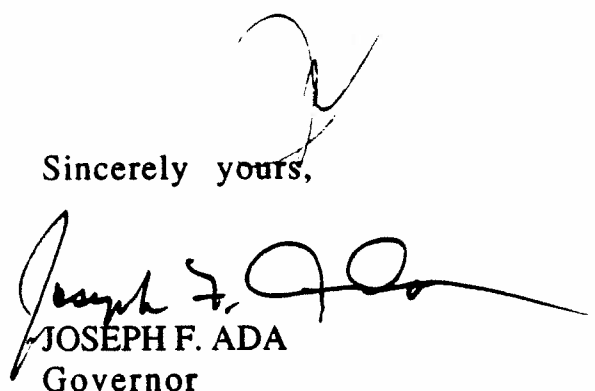
The Honorable Joe T. San Agustin  
Speaker, Twenty-First Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

**REFER TO  
LEGISLATIVE SECRETARY**

Dear Mr. Speaker:

Transmitted herewith is Bill No. 479, which I have signed into law  
this date as Public Law 21-107.

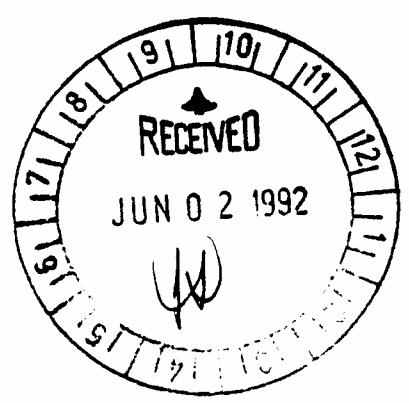
Sincerely yours,



JOSEPH F. ADA  
Governor

210824

Attachment




Commonwealth Now!

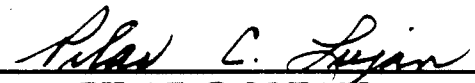
TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

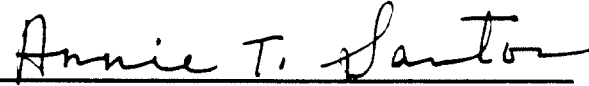
This is to certify that Substitute Bill No. 479 (COR), "AN ACT TO AMEND SUBSECTION (a) OF §63115, GUAM CODE ANNOTATED, TO AUTHORIZE HOLDERS OF FISH WEIR LICENSES TO USE FISH WEIRS WITHOUT OBTAINING A SUBMERGED LAND LEASE," was on the 15th day of May, 1992, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker


Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 20<sup>th</sup> day of MAY, 1992,  
at 3:00 o'clock P.M.

  
\_\_\_\_\_  
Annie T. Santon  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: MAY 29 1992

Public Law No. 21-107

TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

Bill No. 479 (COR)  
As substituted by Committee  
on Rules

Introduced by:

J. T. San Agustin  
J. P. Aguon  
E. P. Arriola  
M. Z. Bordallo  
H. D. Dierking  
C. T. C. Gutierrez  
P. C. Lujan  
G. Mailloux  
D. Parkinson  
F. R. Santos  
D. L. G. Shimizu  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
E. R. Dueñas  
E. M. Espaldon  
M. D. A. Manibusan  
M. J. Reidy  
M. C. Ruth  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO AMEND SUBSECTION (a) OF §63115, GUAM  
CODE ANNOTATED, TO AUTHORIZE HOLDERS OF FISH  
WEIR LICENSES TO USE FISH WEIRS WITHOUT  
OBTAINING A SUBMERGED LAND LEASE.

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

2 **Section 1. Legislative findings.** The Legislature finds that fish weirs  
3 (gigau) have been used by the people of Guam for centuries and their

1 utilization is a valued island tradition. The Legislature further finds that fish  
2 weirs are temporary in nature and that their use is duly regulated and  
3 licensed under the provisions of §63115, Title 5, Guam Code Annotated. The  
4 Legislature further finds that the law regarding the use of submerged public  
5 land is being interpreted to require that fish weir licensees must also obtain  
6 submerged land use permits. It is the further finding of the Legislature that  
7 this is an unnecessary requirement given that the use of fish weirs including  
8 their location is already subject to regulation and control under the license  
9 process established by statute. The Legislature therefore finds that the law  
10 should be amended to remove the requirement for a submerged land use  
11 permit imposed on duly authorized fish weir licensees.

12 **Section 2.** Subsection (a) of §63115 of Title 5, Guam Code Annotated, is  
13 amended to read:

14 "(a) It shall be unlawful for any person to place or  
15 maintain a fish weir in the waters of Guam unless he holds a valid  
16 license from the Director of Agriculture, hereinafter referred to as  
17 Director. The Director may, at his discretion, issue such a license  
18 imposing such conditions on the face thereof as are necessary so  
19 as not to unjustly restrict the fishing of others nor result in the  
20 violation of provisions of this Article and supporting regulations.  
21 Any applicant for a permit to place or maintain a fish weir shall  
22 not be required to obtain a land use permit to place a fish weir on  
23 submerged public lands."

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) REGULAR SESSION

**Introduced**

**NOV 27 '91**

Bill No. 479 (COR)

Introduced by:

  
J. T. San Agustin

AN ACT TO AUTHORIZE HOLDERS OF FISH WEIR LICENSES TO USE  
FISH WEIRS WITHOUT OBTAINING A SUBMERGED LAND LEASE.

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

Section 1. Legislative Findings. The Legislature finds that fish weirs (gigau) have been used by the people of Guam for centuries and their utilization is a valued island tradition. The Legislature further finds that fish weirs are temporary in nature and that their use is duly regulated and licensed under the provisions of 5GCA Section 63115. The Legislature further finds that the law regarding the use of submerged public lands is being interpreted to require that fish weir licensees must also obtain submerged land use permits. It is the further finding of the Legislature that this is an unnecessary requirement given that the use of fish weirs, including their location, are already subject to regulation and control under the license process established by statute. The Legislature therefore finds that the law should be amended to remove the requirement for a submerged land use permit imposed on duly authorized fish weir licensees.

Section 2. The operation of fish weirs on public submerged land, duly licensed under the provisions of Section 63115, Chapter 63, Title 5 of the Guam Code Annotated, shall not be subject to any further requirements for a government land use permit.

COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST GUAM LEGISLATURE

163 Chalan Santo Papa  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

March 9, 1992

21-107

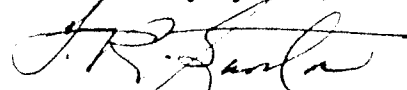
The Honorable Joe T. San Agustin  
Speaker  
Twenty First Guam Legislature  
Agana, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 479, *An Act to amend the government code in order to permit holders of fish weir (gigao) licenses to utilize their licenses without requiring submerged land leases*, has had the same under consideration and herewith reports out Bill No. 479, with its recommendation TO DO PASS. Votes of the Committee were as follows:

TO DO PASS	-10-
TO DO NOT PASS	-0-
TO REPORT OUT ONLY	-0-
OFF ISLAND	-0-

Sincerely yours,



F.R. Santos

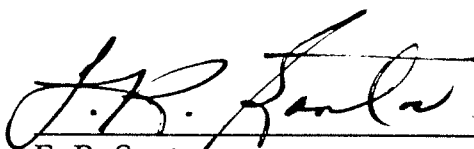

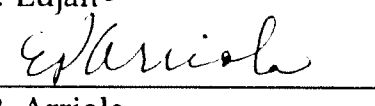
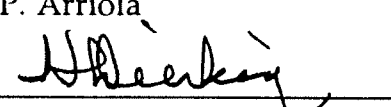
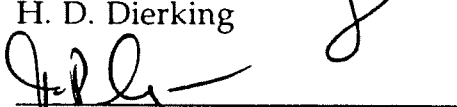

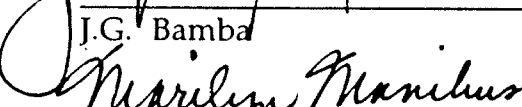
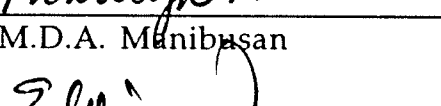
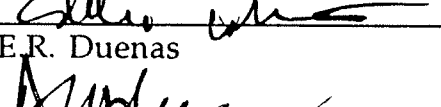
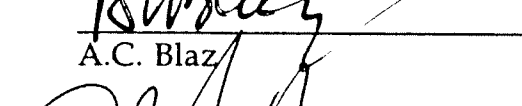
COMMITTEE OF HOUSING, COMMUNITY DEVELOPMENT,  
 FEDERAL AND FOREIGN AFFAIRS  
 TWENTY-FIRST GUAM LEGISLATURE  
 163 Chalan Santo Papa  
 Agaña, Guam 96910

Senator Francisco R. Santos  
 Chairman

Tel: (671) 472-3414/3415  
 Fax: (671) 477-3048

## VOTE SHEET

**BILL NO. 479:** *An Act to amend the government code in order to permit holders of fish weir (gigao) licenses to utilize their licenses without requiring submerged land leases.*

Senator	To Do Pass	To Do Not Pass	Report Out Only	Not Voting
 F. R. Santos	✓			
 P. C. Lujan				
 E. P. Arriola	✓			
 H. D. Dierking	✓			
 J. P. Aguon	✓			
 J.G. Bamba	✓			
 M.D.A. Manibusan	✓			
 E.R. Duenas	✓			
 A.C. Blaz	✓			
 J.I. San Agustin	✓			



COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST GUAM LEGISLATURE  
163 Chalan Santo Papa  
Agaña, Guam 96910

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

AN ACT TO  
PRESERVE AND PROTECT THE  
CULTURAL AND TRADITIONAL  
METHOD OF FISHING  
KNOWN AS  
"GIGAO"

**COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT,  
FEDERAL AND FOREIGN AFFAIRS  
TWENTY-FIRST GUAM LEGISLATURE  
163 Chalan Santo Papa  
Agaña, Guam 96910**

Senator Francisco R. Santos  
Chairman

Tel: (671) 472-3414/3415  
Fax: (671) 477-3048

## **Committee Report**

on

### **Bill No. 479**

*An Act to amend the Government Code in order to permit holders of fish wier (gigao) licenses to utilize their licenses without requiring submerged land leases.*

March 9, 1992

# COMMITTEE FINDINGS AND RECOMMENDATIONS

- The Committee finds that the endangerment of the traditional and cultural methods of fishing are slowly disappearing and that the youth of Guam are not learning these methods simply because the elders who were practicing them are forced to discontinue.
- The Committee has learned that there are efforts in the making for a peace co-existence of these two groups and that such co-existence is possible with viable rules and regulations being prepared by the Department of Parks and Recreation, in collaboration with the Department of Agriculture and the Merizo Planning Council.
- The Committee recommends that Bill No. 479 be adopted by the Twenty First Guam Legislature as introduced.

## Public Hearing

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred Bill No. 479, scheduled a public hearing, on January 26, 1992, at 7:00 pm, in the Merizo Community Center, to receive testimony on said measure. The Chairman scheduled the hearing for Merizo in order to provide the opportunity for the submission of testimony to the greatest number of Merizo residents.

**PUBLIC NOTICE** was published in the Pacific Daily News as required by the Legislature's Standing Rules. Likewise, flyers inviting the

general public to the hearing were distributed in the village of Merizo prior to the hearing.

**COMMITTEE MEMBERS PRESENT** were:

Senator Francisco R. Santos, Chairman

Senator Herminia D. Dierking

Speaker Joe T. San Agustin

**TESTIMONY** was offered and submitted by the following:

Dr. Patty Jo Hoff, member, Merizo Planning Council

Mr. Pat Wolf, representing Parks and Recreation

Mr. Rufo Lujan, Division of Aquatic and Wildlife

Department of Agriculture

Mr. Ben Champaco, a resident of Merizo

Mr. Lorenzo Naputi, a resident of Merizo

Mr. Jose Nangauta, a resident of Merizo

Mr. Lawrence Naputi, a resident of Merizo

## **Summary of Testimony**

Speaker Joe T. San Agustin introduced Bill No. 479 in response to a request from several residents of the village of Merizo who had previously engaged, and were licensed in accordance with law, in the use of "gigao" fishing as a primary method of supplementing their families food supply, as well as, income. These fishermen noted to the Speaker that not only were their traditional ways of life abruptly ended but that there was a

danger of the total loss of this cultural tradition and practice of the ancient Chamorro because of the bureaucratic red tape associated with government.

The major problem associated with and which led to the introduction of Bill No. 479 the establishment of a requirement for a submerged land use permit and/or submerged land lease which must be approved by the Bureau of Planning and the Territorial Seashore Protection Commission prior to licensed fishermen setting up their "gigao" or fish weirs. The fishermen question:

- Why they must secure a submerged land use permit or a submerged land lease in order to practice this traditional fishing method; and
- Why they must secure approval of such from the Bureau of Planning; and
- Why the license from the Department of Agriculture does not suffice for the setting up of a fish weir?

**It should be noted that all testimony submitted to the Committee were oral. Written testimony was not presented nor were they requested.**

**All individuals, including those representing the Division of Wildlife and Aquatics, Department of Agriculture and the Department of Parks and Recreation, providing testimony supported the passage of Bill No. 479. Though the favorable testimony of Dr. Patty Jo Hoff, was not submitted as the official position of the Merizo Planning Council, because Dr. Hoff is a member of the Merizo Planning Council, and because of favorable testimony of all appearing before the Committee, it is assumed that Dr. Hoff's presentation would be reflective of the position of the MPC had such an official position been presented.**

The focus of all testimony can be summarized as follows:

- "Gigao" fishing is a time honored tradition of the Chamorro people.
- Because of its historical and cultural values, it should not be permitted to disappear or be forgotten simply because of bureaucratic red tape or the desire of a bureaucracy to perpetuate itself.

It should be noted that the Department of Parks and Recreation is preparing regulations by which the different groups, including the "gigao" fishermen, who want to use the Merizo lagoon, can peacefully and profitably co-exist. Parks and Recs is preparing these rules and regulations in a collaborative effort with the various groups and the Merizo Planning Council.

Likewise, it should be noted that both the Department of Parks and Recreation and the Department of Agriculture support passage of Bill No. 479.

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) REGULAR SESSION

Introduced

Aug 27 '91

Bill No. 479 (COR)

Introduced by:

  
J.T. San Agustin

AN ACT TO AUTHORIZE HOLDERS OF FISH WEIR LICENSES TO USE  
FISH WEIRS WITHOUT OBTAINING A SUBMERGED LAND LEASE.

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

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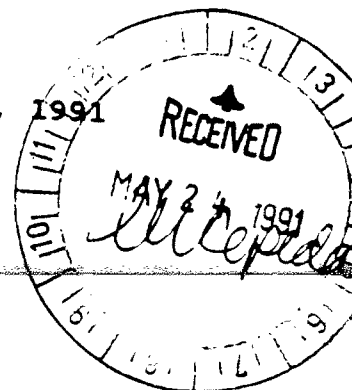
Section 2. The operation of fish weirs on public submerged land, duly licensed under the provisions of Section 63115, Chapter 63, Title 5 of the Guam Code Annotated, shall not be subject to any further requirements for a government land use permit.



Memorandum

To: The Speaker  
From: Consultant  
Subject: Project Report  
Ref. Fish Weir (Gigau)

May 24, 1991



Upon making inquiries from the Department of Land Management and the Division of Aquatic and Wildlife Resources, Department of Agriculture reference the requirements and procedures in obtaining a license to maintain fish weir (gigau), the following information were obtained:

At 1015 hours, May 23, 1991, I met with Mr. Ray Aflague, Department of Land Management, and we discussed the requirement for obtaining submerged land use permit. Mr. Aflague was not fully aware with the fish weir permit application, however, he provided me with a copy of the land use permit application for submerged land. He also indicated that he has not issued a land use permit for the purpose of setting fish weir (gigau). He referred me to the Aquatic and Wildlife Division, Department of Agriculture.

At 1415 hours, May 23, 1991, I had a meeting with Mr. Robert Anderson, Assistant Chief, Aquatic and Wildlife Resources Division and Mr. Jerry Davis, Office in Charge, Aquatic and Wildlife Enforcement, Department of Agriculture, reference the requirements for obtaining fish weir license. Mr Anderson indicated that the process is a very difficult one that they have not issued a license since 1986. He also outline the procedures in obtaining a license as follows:

1. The applicant must secure and application form from the Department of Agriculture.
2. Qualified applicants will be selected by lottery on the available sites.
3. The application is then forwarded to the Territorial Seashore Protection Committee through the Department of Land Management for review and approval. This process requires a public hearing.
4. The applicant must then obtain a submerged land use permit from the Department of Land Management.
5. The application, the land use permit and clearance from the Territorial Seashore Protection Commission, must be forwarded to the AG's Office for review and then forwarded to the Governor's Office for the Governor's signature.

6. The Governor will then forward the approved application and a resolution to the Guam Legislature for its approval.
7. Upon approval from the Legislature, the applicant must then take the application back to the Department of Agriculture for issuance of the fish weir permit with the required fee of \$25.00

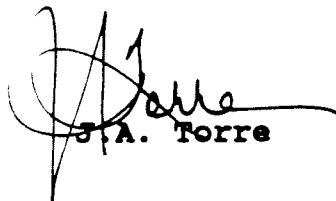
Mr. Anderson further stated that there has been request submitted from the Department of Agriculture to the Governor's Office to amend Executive Order 87-19, which outlined the procedure for the issuance of land use permit and to exempt the commercial fish weir requirement since fish weirs are temporary and since fish weir as authorized under Section 63115, 5GCA, also to exempt from Legislative approval. However, no action has yet been taken by the Governor's Office.

Mr. Davis added that recently other factors, such as jet ski and wind surfing came into the situation which added to the problem of the location of fish weirs. He feels that to permit fish weirs to be set up in areas frequented by jet ski and wind surfers would create not only safety but economic problem to the jet ski operators.

Both Mr. Anderson and Mr. Davis understood that fish weirs are island tradition and to some people, maintaining fish weirs for their livelihood. Unless the existing Executive Order is amended or changed, it is very difficult for anyone to obtain a fish weir license.

Submitted for your information.

Attachments:

  
J.A. Torre

CHAPTER 63  
FISH, GAME, FORESTRY  
&  
CONSERVATION

- - -

- Article 1. Game & Fish.  
2. Endangered Species Act of Guam.  
3. Forestry.  
4. Conservation Reserves.  
5. Soil & Water Conservation Programs.  
6. Live Coral & Fish Nets.  
7. Wildland Fire Protection.

- - -

Article 1  
Game & Fish

- §63101. Definitions.  
§63102. Authority of Department.  
§63103. Chief Conservation Officer:  
Deputies.  
§63104. Taking Fish with Explosives.  
§63105. Use of Explosives Unlawful.  
§63106. Taking Fish by means of Poisonous  
or Intoxicating Substances Unlawful.  
§63107. Use of Poison or Intoxicating  
Substance Unlawful.  
§63108. Use of Electrical Devices.  
§63109. Possession of Dynamite, Explosives,  
Poisonous or Intoxicating  
Substances.  
§63110. Possession of Electric Shocking  
Devices.  
§63111. Fishing Equipment and Methods.  
§63112. Fishing With Gill Nets (Tekin).  
§63113. Destruction of Coral.  
§63114. Illegally Taken Fish.  
§63115. Fish Weirs.  
§63116. Taking of Fish.