



Office of the Governor of Guam

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2008 DEC -1 PM 4: 58

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

26 NOV 2008

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina' Bente Nuebe Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

29-08-0899

11/26/08
5:20p

Dear Speaker Won Pat:

I am returning herewith Bill No. 327(LS), "AN ACT TO ADD A NEW §63133 TO CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INDIGENOUS FISHING RIGHTS," which I have **vetoed**.

Despite my strong support for the preservation of the Chamorro culture, I am forced to veto this legislation because of the many challenges it will create for government of Guam finances, effective resource management, and a more holistic approach to addressing indigenous rights questions on Guam. Bill 327 will, in short, create far more problems than it will solve.

The passage of this act would jeopardize millions of dollars in federal funding. A significant number of local government employees, particularly those in the resource management agencies, rely entirely or almost entirely on federal funds for their salaries and program costs. The Department of Agriculture's Division of Aquatic and Wildlife Resources and the Bureau of Statistics and Plans Coastal Zone Management Program could potentially lose more than \$1.5 million annually if the bill is enacted into law.

Further, the vast majority of Guam's resource management programs are federally funded, with the enforcement arm being just one small portion paid for by local government money. This bill provides no additional budgetary support to finance what could be a cumbersome, expensive and time consuming process to change regulations that will almost certainly not be supported by the federal counterparts that provide funding to resource management here.

The expense of implementation is just one of many challenges within this legislation. The creation of the Indigenous Native Resources Task Force is vague and provides little direction as to composition, membership requirements, or any checks and balances on the power of this group. The logistics of the task force, as described in the bill, would make it difficult for the group to accomplish the goals set in a very short time frame in the legislation.

Finally, I must ask that the Legislature recognize the significant gains in resource conservation that Guam has made. The Marine Preserve system has helped provide fish stocks that spill over from protected areas into heavily fished waters, and the preserves are a tourist attraction supporting the industry that drives our economy. A recent economic study estimated the preserves are worth more than \$127 million a year to Guam. Bill 327 raises the very real possibility that these preserves could be opened to significant fishing pressure, potentially destroying in a short time frame what has taken more than a decade to achieve. Without healthy fish stocks, cultural fishing traditions cannot exist.

I sympathize with the need to address the rights of our local population and ensure that our traditions are carried on to future generations. However, this bill poses too many unanswered questions and could cause major harm to the very resources that our culture is so intimately tied to.

Sinseru yan Magåhet,

A handwritten signature in black ink, appearing to read 'Felix P. Camacho', with a long, sweeping horizontal stroke extending to the right.

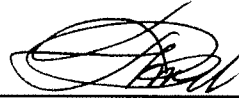
FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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

This is to certify that **Bill No. 327 (LS), "AN ACT TO ADD A NEW §63133 TO CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INDIGENOUS FISHING RIGHTS,"** was on the 19th day of November, 2008, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 20th day of Nov., 2008, at
12 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

VETO

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 327 (LS)

As amended on the Floor.

Introduced By:

Judith P. Guthertz, DPA

R. J. Respicio

Frank F. Blas, Jr.

Edward J.B. Calvo

B. J.F. Cruz

James V. Espaldon

Mark Forbes

Frank T. Ishizaki

J. A. Lujan

Tina Rose Muña Barnes

A. B. Palacios, Sr.

v. c. pangelinan

Dr. David L.G. Shimizu

Ray Tenorio

J. T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW §63133 TO CHAPTER 63 OF TITLE
5, GUAM CODE ANNOTATED, RELATIVE TO INDIGENOUS
FISHING RIGHTS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that prior to the arrival of the Spanish, the *Chamorro* people subsisted primarily on
4 fishing, both within and outside the reef. The Spanish discriminated against the
5 *Chamorro* people by prohibiting fishing outside the reef as well as placing various
6 restrictions on off-shore fishing inside the reef, forcing the *Chamorro* people to
7 become farmers rather than fishermen.

1 The American Naval administration continued policies which hampered the
2 free exercise of traditional fishing practices of the *Chamorro* people. In spite of
3 this historical discrimination, *Chamorros* were able to maintain their traditions and
4 skills for off-shore fishing inside the reefs. Now, those traditions and skills are in
5 danger of being lost in the face of modern conservation restrictions and the
6 pressures of population growth caused by the influx of non-*Chamorro* peoples into
7 Guam that have increasingly made the indigenous *Chamorros* a minority in their
8 own homeland.

9 In 1977, the people of Guam elected representatives to a Constitutional
10 Convention which included special fishing rights for the *Chamorro* people in the
11 draft constitution of Guam that was approved on December 15, 1977.

12 The draft Guam Constitution contained the following Section:

13 **“Article XI *Chamorro* Culture, Section 2 Economic Development.**

14 To redress past discrimination and provide equal opportunity for the
15 *Chamorro* people, special rights for *Chamorros* to off-shore fishing and
16 harvesting of resources may be provided by law.”

17 The draft Constitution of Guam, containing this provision, was approved by
18 the U.S. Congress.

19 It is, therefore, the intent of *I Liheslatura* to establish special rights for
20 *Chamorros* to off-shore fishing and harvesting of resources as approved by the
21 U.S. Congress.

22 **Section 2.** A new §63133 is hereby *added* to Chapter 63 of Title 5, Guam
23 Code Annotated, to read as follows:

24 **“§63133. Indigenous Fishing Rights.** The policy of the government
25 of Guam is that the *Chamorro* people *shall* have special rights to off-shore
26 fishing and harvesting of resources in order to redress historical
27 discriminatory policies. The *Chamorro* people, the *Native Inhabitants of*

1 *Guam*, are defined in Title 1 GCA §2102 as “those persons who became
2 U.S. Citizens by virtue of the authority and enactment of the 1950 Organic
3 Act of Guam and descendants of those persons.”

4 The Department of Agriculture is hereby tasked to develop rules and
5 regulations to put this policy into effect and submit the draft rules and
6 regulations, in accordance with the Administrative Adjudication Act (AAA),
7 Title 5, Guam Code Annotated, Chapter 9, to *I Liheslatura* for review and
8 approval. Such rules and regulations may be revisited annually for revision
9 through the AAA process.

10 At all stages of development of the rules, the Department *shall* seek
11 the input of and consult with an Indigenous Native Resources Task Force,
12 which *shall* be comprised of ten (10) voting members: four (4) men, four (4)
13 women, and two (2) youths of adult age, all of *Chamorro* ancestry. The
14 Task Force *shall* be comprised of one (1) representative each elected from
15 *no more than* ten (10) *Chamorro* grassroots organizations. Each Task Force
16 member *shall* be a resident of Guam for at least five (5) years. The Task
17 Force *shall* participate together with the Department of Agriculture in the
18 formulation of the rules and regulations required by this Section.”

19 **Section 3. Submission and Enactment.** The Department of Agriculture
20 *shall* submit draft rules and regulations for consideration by the AAA process
21 within ninety (90) days of enactment of this Act into law.