



Office of the Governor of Guam

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Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

31 DEC 2008

NON  
2009 JAN -2 PM 4:49

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

Dear Speaker Won Pat:

Transmitted herewith is 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" now designated as **Public Law 29-127**.

Sinseru yan Magåhet,

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

29-08-0993

12/31/08

11:57 AM  
J. P. ...

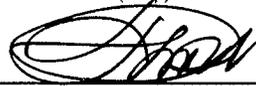
Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes  
Senator and Legislative Secretary

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

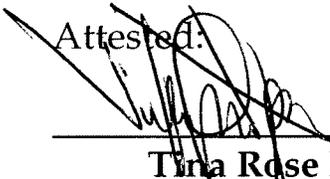
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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,"** returned without approval of *I Maga'lahren Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 22<sup>nd</sup> day of December, 2008, to pass said bill notwithstanding the veto of *I Maga'lahren Guåhan* by a vote of fifteen (15) Members.



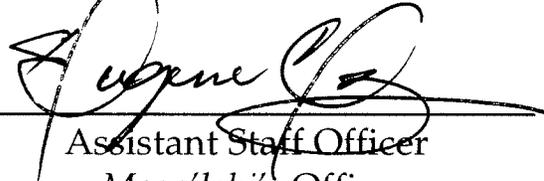
Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Senator and Legislative Secretary

This Act was received by *I Maga'lahren Guåhan* this 24 day of DEC., 2008, at 4:40 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

Public Law No. 29-127

***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.