

TITLE 16

Title 16
NATURAL RESOURCES AND RECREATION.
CHAPTER 2.
FISHING REGULATION.

- Subchapter A. General Regulations.
 - 1. Definitions.
 - 2. Harvest.
 - 3. Seasons.
 - 4. Gear Restrictions.
- Subchapter B. Marine Preserves.
- Subchapter C. Gastropods and Bivalves.
- Subchapter D. Crabs and Spiny Lobsters.
- Subchapter E. Coconut Crab, *Birgus latro*.
- Subchapter F. Freshwater Fishing.
- Subchapter G. Penalty.
- Subchapter H. Implementation.
- Subchapter I. Severability

SUBCHAPTER A
General Regulations.

- Section 15310. Definition.
- Section 15310.1. Harvest Regulations.
- Section 15310.2. Harvest Seasons.
- Section 15310.3. Gear Restrictions.

Section 15310. Definitions. For purposes of these regulations (Sections 15310 through 15316);

(1) *Aquatic Animal*- is defined as any fish, marine invertebrate, aquatic reptile, amphibian or marine mammal which lives in or near the water (fresh, brackish or marine) which depends upon a water body for its survival. This includes animals from fresh, brackish and marine environments.

(2) *Aquatic Plant*- is defined to include any member of the plant kingdom, including all forms of aquatic algae and seagrass, which depend on permanent or semi-permanent water bodies (marine or fresh) for survival.

(3) *Aquatic Life*- is defined to include all aquatic animals and aquatic plants.

(4) *Bottomfishing*- is defined as any fishing in which a single line (includes braided lines) baited with single or multiple hooks or lures is lowered into water and fished in a still or drifting manner. Similar methods used for the take of Pelagic Species shall not be covered under this definition.

TITLE 16

(5) *Boundary Marker*- is defined as an object which is placed and labeled to demarcate a boundary of a Marine Preserve.

(6) *Cast Net (Talaya)*- is defined as a circular net with weights or chain around the perimeter which is thrown for the purpose of taking or capturing any aquatic animal.

(7) *Commercial*- is defined as the selling, bartering, trading or exchanging aquatic animals and/or aquatic plants for monetary or other consideration or the intent to perform any of these acts.

(8) *Commercial Export*- is defined as the transferring or shipment of aquatic animals and/or aquatic plants from Guam which is sent elsewhere for purposes of sale, trade, barter or commercial use.

(9) *Commercial Harvesting*- is defined as the taking or capturing of any aquatic life for commercial use.

(10) *Crab*- is defined to mean any member of the class Crustacea except for spiny lobster as defined.

(11) *Cultured Aquatic Plants/Animals*- is defined as any aquatic plant or aquatic animal raised or grown in captivity for sale having all the proper local and Federal clearances required.

(12) *Dip Net*- is defined as a handled net with no greater than a twelve (12) inch opening which is commonly used to capture aquarium fish.

(13) *Director*- is defined as the Director of the Department of Agriculture.

(14) *Drag Net (Chenchulun Mahala)*- is defined as any net which is pulled through the water, often maintaining contact with the bottom, in an attempt to corral or entrap aquatic animals.

(15) *Dredging Equipment*- is defined as any device used to disturb or remove the substrate on beaches or within the water of Guam. Small hand implements or devices used for digging shall not be considered as dredging equipment.

(16) *Easy Access*- is defined to mean carried on your person or stored at a nearby shoreline site while in the water. If a vessel is used, the items in question must be stored on board.

(17) *Fish Aggregating Device- or FAD-* is defined as any properly permitted buoyant device permanently moored with the intention of attracting fish in a specific area.

(18) *Freshwater Fauna-* are defined as any vertebrate or visible (to the naked eye) invertebrate life forms found in Guam's inland waters. This does not include insects or their larvae.

(19) *Freshwater Fish-* are defined as any fish found in Guam's inland waters.

(20) *Freshwater Gamefish-* is defined as peacock bass (*Tucunare*), *Cichla ocellaris*.

(21) *Gaff-* is defined as any hand held hook shaped device used for harvesting aquatic animals.

(22) *Gill Net (tekin)-* is defined as any net in which the mechanism for capturing the fish is entanglement.

(23) *Gleaning* is defined as the take of any aquatic plant or aquatic animal by hand or with an implement to prod.

(24) *Harvest-* see the definition of take.

(25) *Waters of Guam-* means that area of shore and waters seaward of the mean high water line (mark) to the outermost limits of Guam's exclusive economic zone, as provided by Section 402(a) of Title 1, Guam Code Annotated.

(26) *Hook and Line- fishing* is defined as the combination of any hook and a line used to capture fish. This shall include, but is not limited to, the use of fishing rods or poles and handlines with bait or lures.

(27) *Import-* is defined as to land on, bring into or introduce into, or attempt to land on, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of customs laws of Guam and the United States.

(28) *Inland Water Bodies-* are defined to include, but are not limited to, all natural and man-made rivers, streams, lakes, reservoirs or other similar bodies of water. Inland waters may also be brackish in chemistry.

(29) *Locally-caught-* is defined as the capture, collection, or possession of any aquatic life which came from waters of Guam.

TITLE 16

(30) *Longline*- is defined as a line suspended horizontally by floats with secondary lines with hooks and devices designed to capture fish.

(31) *Marine Animal*- is defined as any fish, invertebrate, mammal or reptile that lives in the sea or brackish water which depends upon said body of water for its survival. This includes, but is not limited to, turtles, crabs, corals, octopus, starfish, jellyfish, sea cucumbers, worms, whales, porpoises, etc.

(32) *Marine Mammal*- is defined as any member of the class Mammalia which spends any part of its life in the ocean.

(33) *Marine Preserve*- is defined as a well delineated area in which certain activities or uses are permanently restricted or prohibited.

(34) *Pelagic Fish*- is defined as all billfish (all species of the families Istiophoridae and Xiphiidae), *Coryphaena hippurus* (*mahi mahi*), *Katsuwonis pelamis* (*skipjack tuna, bonita*), *Euthynnus affinis* (*skipjack tuna, kawa kawa*), *Acanthoocybium solandri* (*wahoo*), *Thunnus albacares* (*yellowfin tuna*), *Elegatis bipinnulatus* (*rainbow runner*), or any other tuna or migratory ocean going fish.

(35) *Personal use*- is defined as the taking or capturing of any aquatic or marine animal or aquatic plant for any non-commercial use.

(36) *Purse Seine*- is defined as a net used to surround an aquatic animal in which the base of the net is then drawn closed to capture the fish.

(37) *Reef Margin*- is defined as that area where the reef flat and the open ocean meet. This is generally the most distant area from shore which becomes exposed during low tide. For enforcement purposes this area defines the span from the outer most edge of the margin to one hundred (100) feet toward shore.

(38) *Relocate*- is defined as the act of removing a resource from its resident location and placing the resource in a new location.

(39) *Resource*- is defined as any natural, non-living or living entity.

(40) *Rock*- is defined as any hard material larger than sand size grains made from a mineral or petrified mass.

(41) *Sand*- is defined as any natural loose grainy non-living material formed from the erosion of rocks or calcium carbonate formations.

(42) *Shore*- is defined as the area between the mean low tide mark and ten (10) meters inland from the mean high tide mark, except where mangroves exist and then it shall extend to the inland edge of the mangrove.

(43) *Spear*- is defined as any shaft with a pointed tip which can be used to take aquatic animals.

(44) *Spearfishing*- is defined as any method which uses a spear to capture aquatic animals.

(45) *Spiny Lobster*- is defined as all members of the genus *Panulirus*.

(46) *Surround Net*- (*Chenchulun Managam*) is defined as any vertical net set to act as a barrier to detain fish in which the fish are not gilled by the net. A surround net is not pursed and therefore is not a type of purse seine.

(47) *Take*- shall be as defined in Section 63101(g) and Section 63203(m), both of Title 5, Guam Code Annotated.

(48) *Transplant*- is defined as the act of removing a resource from its resident location and placing it at a new location for the purpose of replenishing the area or creating an altered habitat.

Section 15310.1. Harvest Regulations. (a) It shall be unlawful for any person to knowingly relocate or transplant any aquatic animal or aquatic plant or rock or sand within the waters of Guam or import and release into the wild any aquatic life without a valid permit. Permits will typically be limited to scientific purposes. This shall not apply to the release of aquatic animals which are regulated by size and are determined to be undersized, provided the release is not intended to remove a resource from a specific area or re-establish animals in a new area.

(b) The taking of marine mammals is prohibited.

Section 15310.2. Harvest Seasons. The harvest season for aquatic animals and aquatic plants is year-round, unless otherwise designated in these rules and regulations.

Section 15310.3. Gear Restrictions. (a) The use of dredging equipment to take aquatic life is prohibited.

(b) Surround nets must be removed within six (6) hours of setting. All aquatic animals prohibited from take or which do not meet take requirements must be released immediately once

determined to be in the net. All animals killed during the take must be recovered and removed from the waters of Guam.

(c) The use of a gill net for the commercial harvest of aquatic animals is prohibited.

(d) When bottom fishing or fishing by hook and line, all gear must be attended at all times.

(e) The use of a horizontal longline for the commercial harvesting of any aquatic fauna is prohibited within the waters of Guam.

(f) The use of a purse seine for the commercial harvesting of any aquatic animal, marine animal or pelagic fish other than scads (*Selar crumenophthalmus*) (locally known as atulai), is prohibited within the waters of Guam. If utilized for the taking of atulai, all other aquatic life captured must be released and every effort to return it live must be made.

(g) It shall be unlawful to attach, moor or tie any boat or water craft, or any rigging or structure to, or to board, deface, damage, remove or destroy any fish aggregating device, except as authorized by the Director. Permits may be issued for certain activities.

**SUBCHAPTER B.
Marine Preserves**

- Section 15311.0. Marine Preserves.
- Section 15311.1. General Rules for Managing Marine Preserves.
- Section 15311.2. Designated Marine Preserves.
- Section 15311.3. Special Regulations to be Applied to Each Type of Marine Preserve.

Section 15311.0. Marine Preserves. The Director of Agriculture will determine the need to establish Marine Preserves, which are areas in which the take of aquatic animals will be restricted to protect coral reef habitat and/or the related fauna. Such areas once established shall be permanently designated as Marine Preserves. The restrictions established for such an area shall always govern the allowable activities within the designated Marine Preserve.

Section 15311.1. General Rules for Managing Marine Preserves. (a) All Marine Preserves shall be clearly marked with boundary markers and signage at popular entry points to educate the public as to the rules for the area.

(b) Within an established Marine Preserves the following activities shall be prohibited: dip netting, gill netting, drag netting, surround netting, spear fishing, the use of gaffs, shell collecting, gleaning and removal of sand or rocks.

(c). All Marine Preserves shall extend horizontally inland ten (10) meters from the mean high tide mark or to the nearest edge of a public right-of-way, whichever comes first; unless specifically described otherwise. Unless otherwise specified, the ocean boundary of the Marine Preserves shall extend to the six hundred (600) foot depth contour. Maps of Marine Preserves around Guam shall be available at the Guam Department of Agriculture.

(1) The Director of Agriculture shall place range markers to delineate each of the side boundaries from the reef margin to the six hundred (600) depth contour.

(2) The Director of Agriculture shall create and make available to the public at the Department maps of the Marine Preserves.

Section 15311.2. Designate Marine Preserves. The following

areas have been designated as Marine Preserves, as described in Section 15311.0 (See Exhibit 1):

- (1) Tumon Bay Location: Tumon
Boundaries: From the northern coastal boundary at Two Lovers Point, southerly along the coast to the northeast tip of Hospital Point, then seaward on a bearing of three hundred forty five (345) degrees true from Hospital Point to the six hundred (600) foot depth contour; then northerly along the six hundred (600) foot depth contour to the northern ocean boundary completed by a line drawn seaward on a bearing of two hundred seventy (270) degrees true from the outermost marker at Two Lovers Point (See Exhibit 2).
- (2) Piti Bomb Holes Location: Piti
Boundaries: From the northwest end of the Piti Canal easterly along the northern edge of the canal to Route 11, then along the northern edge of Route 11 to the coastline east of Tapungun Channel, then along the Tapungun Bay coastline along the pipeline running across the reef flat from Asan Point, then seaward at a bearing of fifteen (15) degrees true from the western end of the pipeline to the six hundred (600) foot contour then southeasterly along the six hundred (600) foot contour to a line drawn seaward on a bearing of three hundred forty 340 degrees from the western edge of the Piti Canal (See Exhibit 3).
- (3) Sasa Bay Location: Piti
Boundaries: From the intersection of Route 1 and Drydock Road, westerly along the southern edge of the entrance road to the entrance gate the southern edge of the pipeline road leading toward Drydock Point, continuing along the southern and eastern edge of Drydock Road until a straight line can be drawn from the road across land to the southern most point on Drydock Island, then a straight line path from Drydock Point to the tip of the finger-like peninsula on Polaris Point. Follow a straight line across the shortest distance to the northern edge of the paved road leading to the main gate. Continue along the northern edge of the road to Marine drive. Follow the western edge of Marine drive back to the beginning of the pipeline road. All the water and land area within these boundaries are within the Marine Preserve (See Exhibit 4).
- (4) Achang Reef Flat. Location: Merizo

Boundaries: A straight line formed by markers aligned on the southern side of Manell Channel along the coast to a straight line formed by markers aligned on the northern side of 'Ajayan Channel'. The ocean boundaries shall extend seaward on a bearing of one hundred forty eight (148) degrees true from the seaward marker on the south side of Manell Channel to the six hundred foot (600) depth contour; then northerly along the six hundred (600) foot depth contour to the northern ocean boundary completed by a line drawn from the outermost marker on the north side of Ajayan Channel on a bearing of one hundred eighty (180) degrees true seaward to the six hundred foot depth contour (See Exhibit 5).

- (5) Pati Point Location: Andersen Air Force Base

Boundaries: From the marker ($144^{\circ} 53' 44$ E. Longitude , $13^{\circ} 32' 40'$ N. Latitude) in front of the pillbox to the west of Tarague channel easterly along the coast to Pati Point, then southerly to Anao Point. The ocean boundaries shall extend at a bearing of ninety (90) degrees true from the seaward marker at Anao Point to the six hundred (600) foot depth contour; then follow the six hundred foot depth contour to the western ocean boundary completed by a line drawn seaward on a bearing of fifty (50) degrees true from the outermost marker on the western boundary degrees to the six hundred foot depth contour (See Exhibit 6).

Section 15311.3. Special Regulations to be Applied to Select Marine Preserves.

- (a) Tumon Bay: bottomfishing may be conducted from the one hundred (100) foot contour seaward.

(b) Trolling may be conducted from the reef margin seaward, but only for pelagic fish. Persons catching non-pelagic fish shall release them immediately upon capture. Where the reef margin is not well defined because of gaps or undulations in the reef, the margin shall be defined by drawing a point between two (2) well defined points.

- (c) Tumon Bay: All fishing except for cast net from shore, hook and line from shore, and those methods specifically identified as allowable by law or regulation in a preserve shall be prohibited. Hook and line fishing, and cast net fishing allowed from shore, shall be limited to the take of rabbitfish (*Sesjun*, *Manahac*), juvenile goatfish (*Tiao'*), juvenile jacks (*E'e'*) and the convict tang (*Kichu*). Cast net fishing will also be allowed along the reef margin for rabbitfish and convict tangs only.

- (d) Piti, Sasa Bay, and Achang Reef Flat: All forms of fishing except those methods specifically identified as allowable by law or regulation in a Marine Preserve shall be prohibited.

- (e) Pati Point: All fishing except hook and line from shore, and those methods specifically identified as allowable by law or regulation in a Marine Preserve, shall be prohibited.

**SUBCHAPTER C.
Marine Invertebrates.**

- Section 15312.1. Commercial Harvest of Trochus (*Trochus niloticus*) (Aliling).
- Section 15312.2. Harvest of Trochus for Personal Use.
- Section 15312.3. Commercial Harvest of Tridacnid Clams (*All Tridacna spp.*) (*Hima*).
- Section 15312.4. Harvest of Tridacna Clams for Personal Use.
- Section 15312.5. Commercial Harvest of Marine Gastropods and Bivalves.
- Section 15312.6. Harvest of Gastropods for Personal Use.
- Section 15312.7. Harvest of Bivalves for Personal Use.
- Section 15312.8. Other Marine Invertebrates.

Section 15312.1. Commercial Harvest of Trochus (*Trochus niloticus*) (Aliling).

(a) **Size Limit.** The commercial harvest of Trochus shall be limited to shells with a base diameter of four (4) inches or greater and for local sale only (see illustration). There shall be no commercial export of Trochus. This applies to live and dead Trochus collected.

(See Exhibit 7)

(b) **Bag Limit.** No more than one thousand (1,000) pieces of Trochus can be taken per person per year for local commercial sale. All Trochus must be preserved whole until cooked or frozen. The Island-wide total commercial harvest shall be set at ten thousand (10,000) pieces annually, and once this total is obtained the season shall be closed.

(c) **Area.** The commercial harvesting of *Trochus* is prohibited shoreward of the outer edge of the fringing reef (reef margin). This includes the lagoons and channels that extend shoreward from the outer edge of the fringing reef. The harvest of Trochus from "Marine Preserves" is prohibited.

(d) **Season.** Commercial harvest of *Trochus* for locals shall be permitted all year provided the harvest limit is not met. Once ten thousand (10,000) pieces have been taken Island-wide, this commercial fishery will be closed for the remainder of the year. The commercial season shall be regulated on a fiscal year basis, which will begin on October 1 of each year.

(e) **License.** All individuals shall be required to obtain a license from the Department of Agriculture to harvest *Trochus* for commercial purposes. This licenses will be valid for one (1) year and cost Twenty-Five Dollars (\$25.00) per person. The license must be kept within easy access when collecting or selling *Trochus* or any part thereof. Anyone selling *Trochus* must have a valid license or be able to provide the license number of the individual who sold the *Trochus* to them.

Section 15312.2. Harvest of *Trochus* for Personal Use. (a) Size Limit. Harvesting of *Trochus* for personal use shall be limited to shells with base diameters of three (3) inches or greater (see illustration).

(b) **Bag Limit.** Each person is allowed fifty (50) *Trochus* per day, including shells. All *Trochus* must be preserved whole until cooked or frozen.

(c) Shells of *Trochus* taken for personal use shall not be sold, traded or bartered.

(d) No more than twenty (20) locally caught pieces of *Trochus* may be hand carried as export from Guam.

Section 15312.3. Commercial Harvest of Tridacnid Clams (Giant Clams), (*Tridacna maxima*, *Tridacna*, *squamosa*, *Tridacna derasa* or any other *Tridacna* spp. And *Hippopus hippopus* (*Hima*). No commercial harvesting of the above- listed species of clams shall be allowed. This does not include cultured clams in a Department of Agriculture approved culture facility.

Subsection 15312.4. Harvest of Tridacnid Clams (Giant Clams) for Personal Use. (a) Size Limit. For personal use, the take of Tridacnid clams shall be limited to shells having a valve (shell) length not less than seven (7) inches (see illustration).

(See Exhibit 8)

(b) **Bag Limit.** For personal use, each person is allowed no more than three (3) clams, shells included, per day. Tridacnid clams must be preserved whole until cooked or frozen, this prohibits harvesting only the meat portion of the clam.

(c) Shells of Tridacnid clams taken for personal use shall not be sold, traded or bartered.

(d) **Area.** Harvesting of Tridacnid clams for personal use is prohibited in "Marine Preserves."

Section 15312.5. Commercial Harvest of Marine Gastropods and Bivalves Other Than *Trochus* and *Tridacna*. No commercial harvest of fresh or locally- caught marine gastropods and bivalves shall be permitted (see special regulations for *Trochus* and Giant Clam).

Section 15312.6. Harvest of Marine Gastropods Other Than *Trochus* for Personal Use. (a) Bag Limit. Harvest shall be limited to thirty (30) pieces, shells included of

mixed gastropods per person per day (see special regulations for Trochus and Giant Clam). Marine gastropods harvest must be preserved whole until cooked or frozen. Ornamental shell collectors shall be limited to ten (10) specimens per species and can possess the shell without having to preserve the animal. Any fragments of shells shall count as one (1) specimen.

(1) Marine gastropods taken for personal use shall not be sold, traded or bartered.

(2) Exception: The personal harvest of selected conchs is permitted. No more than one thousand (1,000) per day per person combined of the species *Strombus fragilis*, *Strombus gibberelus*, *Strombus Luhanes*, locally referred to dogas, may be taken.

Section 15312.7. Harvest of Marine Bivalves (clams, oysters, and mussels) Other Than Tridacna for Personal Use (species specific regulations take priority over this regulations, see Tridacna clams). (a) Marine bivalves taken locally for personal use shall not be sold, traded or bartered.

(b) Harvest shall be limited to two hundred (200) pieces, shells included of bivalves combined per person per day. Marine bivalves taken must be preserved whole until cooked or frozen. Ornamental shell collectors shall be limited to ten (10) specimens per species and can possess the shell without having to preserve the animal. A single valve (half of the shell) or any part thereof shall be counted as one (1) specimen.

(c) There shall be no export of locally-caught marine bivalves.

Subsection 15312.8. Harvest of Other Marine Invertebrates, Including Holothurians and Echinoderms. (a) Marine invertebrates taken locally for personal use shall not be sold, traded or bartered.

(b) Harvest shall be limited to one hundred (100) pieces combined per person per day.

(c) There shall be no export of locally-caught marine invertebrate.

**SUBCHAPTER D.
Crabs and Lobsters.**

Section 15313.0. Commercial Harvest of Crabs.

Section 15313.1. Taking of Crabs for Personal Use.

Section 15313.0. Commercial Harvest of Crabs and/or Spiny Lobster Other Than Coconut Crab (*Birgus latro*). (a) **Size Limit and Individuals with Eggs.** No spiny lobster shall be taken with a carapace (body shell, does not include tail or antennas) length

less than four (4) inches, measured from the dorsal posterior end of the carapace to the point between the two horns over the eyes, see illustration. No spiny lobster carrying eggs shall be taken.

(See Exhibit 9)

No crabs or slipper lobster (*Scyllarides* spp.) with a carapace (shell) width less than (3) inches or carrying eggs shall be taken (see illustration).

(See Exhibit 10)

The land crab, *Cardisoma carnifex*, may be collected at any size, but still may not be collected when carrying eggs. Evidence of removal of eggs (orange to brown colored mass attached under tail) shall be considered prima facie evidence of violation of this Section of the Regulation. Crabs and spiny lobster must be preserved whole until cooked or frozen.

(b) There shall be no commercial export of crabs or spiny lobsters.

(c) **Gear.** It shall be illegal to puncture, impale or spear crabs and/or spiny lobster intended for sale; only devices which do not impose any physical harm to the crabs and/or spiny lobster may be utilized for harvest. Any crabs or spiny lobster in confinement shall be considered taken and subject to harvest regulations. Upon harvest, crabs and lobster are not to be impaled for confinement (stringers are prohibited). Any sub-legal crab or spiny lobster injured due to attempted harvest will be viewed as take.

Section 15313.1. Taking of Crabs and/or Spiny Lobster (*Panulirus* sp.) Other Than Coconut Crab (*Birgus latro*) for Personal Use. (a) **Size Limit and Individuals with Eggs.** No lobster with a carapace length less than three and one-half (3 1/2) inches, measured from the dorsal posterior end of the carapace to the point between the two (2) horns over the eyes or carrying eggs shall be taken (see illustration). No crabs of the genus *Etisus* (Red Reef Crab), *Carpilius* (seven-eleven crab), *Scylla* (Mangrove crab) or slipper lobster (*Scyllarides* spp) with a carapace width less than two (2) inches or carrying eggs shall be taken, except for the land crab, *Cardisoma carnifex*, which can be collected at any size, except when it is carrying eggs. Evidence of removal of eggs (orange to brown colored mass attached under tail) shall

be considered prima facie evidence of violation of this Section of the Regulation. Crabs and lobster must be preserved whole until cooked or frozen.

(b) Shells of crabs and lobsters taken for personal use shall not be sold, traded or bartered.

(c) **Gear.** It shall be illegal to puncture, impale or spear crabs and/or spiny lobster; only devices which do not impose any physical harm to the crabs and/or spiny lobster may be utilized for harvest. Any crabs and/or spiny lobster not complying with the minimum harvest size requirements must be released immediately. Any crabs or spiny lobster in confinement shall be considered taken and subject to harvest regulations. Upon harvest, crabs and lobster are not to be impaled for confinement (stringers are prohibited). Any sub-legal crab or lobster injured due to attempted harvest will be viewed as take.

SUBCHAPTER E.

Coconut Crabs.

Section 15314.0. Commercial Harvest of Coconut Crabs.

Section 15314.1. Taking of Coconut Crabs for Personal Use.

Section 15314.0. (a) Size Limit and Individuals with Eggs. The commercial harvest or sale of coconut crabs with a carapace width less than four (4) inches is prohibited (see illustration). Coconut crabs must be preserved whole until cooked or frozen. Any coconut crab not complying with the commercial harvest minimum size requirements must be released immediately. Any coconut crab in confinement will be considered taken and subject to harvest regulations. No coconut crabs shall be taken, while they are carrying eggs. Evidence of removal of eggs (orange to brown colored mass attached under tail) shall be considered prima facie evidence of violation of this Section of the Regulation. Any sub-legal crab injured due to attempted harvest will be viewed as take.

(Exhibit 11)

(b) **Bag Limit.** No more than fifty (50) individually locally-caught coconut crabs may be sold per year. Coconut crabs must be preserved whole until cooked or frozen.

Section 15314.1. Harvest of Coconut Crab for Personal Use. (a) Size Limit and Individuals with Eggs. For personal use, the harvest of coconut crabs with a carapace with less than three (3) inches is prohibited (see illustration). Any coconut crab not complying with the minimum size requirements must be released immediately. Any coconut crab in confinement will be considered taken and subject to harvest regulations.

No coconut crabs shall be taken, while they are carrying eggs. Evidence of removal of eggs (orange to brown colored mass attached under tail) shall be considered prima facie evidence of violation of this Section of the Regulation. Coconut crabs must be preserved whole until cooked. Any sub-legal crab injured due to attempted harvest will be viewed as take.

(b) Shells of coconut crabs taken for personal use shall not be sold, traded or bartered.

(c) **Bag Limit.** For personal use purposes, each person is allowed no more than ten (10) individual coconut crabs per day. Coconut crabs must be preserved whole until cooked or frozen.

SUBCHAPTER F.

Freshwater Fishing.

Section 15315.0. Commercial Harvest of Freshwater Gamefish.

Section 15315.1. Taking of Freshwater Fauna for Personal Use.

Section 15315. Commercial Harvest of Freshwater Fauna. The commercial harvest of freshwater fauna is prohibited. This does not include cultivated freshwater fauna from aquaculture facilities.

Section 15315.1. Taking of Freshwater Fauna for Personal Use.

(a) **Bag Limit.** No more than four (4) peacock bass (Tucunare) may be taken into possession per day. No peacock bass less than ten (10) inches in length may be taken. Peacock bass must be kept whole until cooked or frozen and may not be impaled. Tilapia, catfish, prawns and freshwater eels are considered non-game fish and can be harvested without limit all year.

(b) **Gear.** (1) Take of peacock bass shall be limited to hook and line fishing techniques, includes, but is not limited to, use of fishing rods and poles. It shall be unlawful to puncture, impale or spear any peacock bass. Any peacock bass which does not meet the minimum size requirements must be released immediately. If undersized gamefish are hooked in such a way that the hook can not be removed without killing the fish, the line must be cut as close to the hook as is possible and the fish released. Any peacock bass in confinement will be considered taken and subject to harvest regulations. Upon take, peacock bass are not to be impaled for confinement, stringers are prohibited.

(2) Except as authorized herein, the use of nets is prohibited in take of any freshwater fauna. A landing net with a handle may be used to net a fish already hooked while fishing. The diameter of the opening on the landing net shall not exceed two (2) feet or four (4) square feet. A handled dip net with a handle and opening not to exceed one (1) foot in diameter or one (1) square foot may be used to take up to one hundred (100) freshwater animals less than three (3) inches in length (non-gamefish) per day,

(3) Capture of peacock bass by traps is prohibited. Traps may be used to take non-gamefish, but must not be left unattended more than twelve (12) hours, nor exceed a volume of twenty (20) cubic feet in size. Any peacock bass caught in traps must be released. The use of traps requires a valid fishing license.

(4) Peacock bass can only be taken by a single, hand-held hook and line per fisherman. Multiple-line fishing for gamefish is prohibited. Only one (1) baited hook per line or one (1) artificial lure, which may have up to three (3) barbs originating at a common shaft, may be used.

(5) All fishing gear other than traps must be attended to at all times.

SUBCHAPTER G

Penalty

Section 15316.0 Penalty. Violations of these regulations are punishable under the provisions of Section 63129, 5 GCA

SUBCHAPTER H.

Implementation.

Section 15317.0. Time frame and Implementation. Effective Date. (a) These regulations shall go into effect immediately. Subchapter B, Marine Preserves shall not go into effect until April 1, 1999. The Department of Agriculture will develop and implement a village program to educate the public during the first year of the operation of the Marine Preserves. The Department of Agriculture shall create and place at the appropriate locations, signs designed to define the locations and restrictions of the Marine Preserves.

(b). During the six months following the enactment, the Director shall issue only written warnings to first offenders who violate the provisions of the regulations regarding Marine Preserves (only Subchapter B). The Director shall record the names and the addresses of the first offenders. Persons who commit a second offense during the six (6) month period shall be subject to the penalties allowed as described herein.

(c) When the six (6) month period described above ends, the Director and other law enforcement officials shall enforce the law as mandated herein.

(d) The Department of Agriculture shall submit an assessment report to the Guam Legislature to determine the success of the Marine Preserves two (2) years after the effective date of the enactment of this Law for public review“

SUBCHAPTER I

Severability

Section 15318.0.

Section 15318.0 Severability. Should any Section, Subsection, paragraph, sentence, clause or phrase of this Act or any regulation, rule or order, promulgated pursuant thereby be held invalid for any reason by a competent court of jurisdiction, such decision shall not affect the validity of the remaining portions of this Act or regulation, rule or order promulgated pursuant thereto.

NOTE: The Compiler made a couple of corrections in this Public Law. First of all, the Compiler discovered an error on the proper citation of the Guam Code Annotated and the rules and regulations. In this Public Law the word “Subsection“ was used to cite sections in the GCA and Rules and Regulations. The true word should read “Section“. Secondly, Section 15311.2 regarding “Designate Marine Preserves“ contains a typo. Section 15311.2 refers to a “§15310.0“ which doesn’t exist. The correct citation should be “§15311.0“, referencing “marine preserves“. Amended by Compiler in order to reflect the correct citation.

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