

**9 GAR - ANIMAL REGULATIONS**  
**DIV. 2 - CONSERVATION, HUNTING & FISHING REGULATIONS**  
**CH. 12 - FISHING REGULATIONS**

**CHAPTER 12**  
**FISHING REGULATIONS**

**SOURCE:** Entire chapter repealed and repromulgated by P.L. 24-21:2 (May 12, 1997) as Chapter 2, Title 16, "Natural Resources and Recreation." Renumbered by compiler to harmoniously fit this title..

- Article 1 General Regulations
- 2 Marine Preserves
- 3 Marine Invertebrates
- 4 Crabs and Lobsters
- 5 Coconut Crabs
- 6 Freshwater Fishing
- 7 Implementation

Article 1  
General Regulations

§12101. Definitions.

§12102. Harvest Regulations.

§12103. Harvest Seasons

§12104. Gear Restrictions.

**§12101. 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

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sea grass, 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) *Bottom fishing* 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.

(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.

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(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 coral 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 cellaris*.

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

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(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.

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

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(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 Xiphidae), *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.

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(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.

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**§12102. 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.

**§12103. Harvest Seasons.** The harvest season for aquatic animals and aquatic plants is year-round, unless otherwise designated in these rules and regulations.

**§12104. 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

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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.



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Article 2  
Marine Preserves

§12201. Marine Preserves.

§12202. General Rules for Managing Marine Preserves.

§12203. Designated Marine Preserves.

§12204. Special Regulations to be Applied to Each Type of Marine Preserve.

**§12201. 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.

**§12202. 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 include the shoreline and shall extend horizontally inland ten (10) meters from the mean high tide mark or, if there is mangrove in the area, to the extreme inland edge of the mangrove if such point is farther inland than ten (10) meters from the mean high tide mark. Unless otherwise specified, the ocean boundary of the Marine Preserves shall be up to the six hundred (600) foot depth contour.

(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.

**§12203. Designate Marine Preserves.** The following areas have been designated as Marine Preserves, as described in Section 15311.0:

- (1) Tumon Bay                                 Location: Tumon  
  Boundaries: From Two Lovers Point to the northeast tip of Hospital Point.
- (2) Piti Bomb Holes                         Location: Piti  
  Boundaries: From the southwest end of Piti Channel mark to Camel Rock and then to Asan Point.
- (3) Sasa Bay                                 Location: Piti  
  Boundaries: From the west corner of Polaris Point on the finger-like peninsula to the most southerly point on Drydock Island. All the water and shoreline in the bay to the east of this boundary are within a Marine Preserve. The shoreline inclusion within the Marine Preserve shall exceed the ten (10) meter distance in areas where mangroves exist. The boundary in such areas shall extend to the extreme inland edge of the mangroves.
- (5) Achang Reef Flat                         Location: Merizo  
  Boundaries: From the southern side of Manell Channel to the northern side of "Ajayan Channel."
- (6) Pati Point                                 Location: Andersen Air Force Base  
  Boundaries: Form the marker (144° 53' 44 E. Longitude, 13° 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.

(7) Limit the boundaries of all Marine Preserves to 10 fathoms (60 ft.)

**§12204. Special Regulations to be Applied to Select Marine Preserves.** (a) Bottom fishing may be conducted within a Marine Preserve from the sixty (60) foot contour seaward.

(1) 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.

(2) The Director of Agriculture shall place buoys or other suitable markers to delineate the areas described herein for bottom fishing and trolling and shall create and make available to the public maps of these areas.

(b) 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.

(c) Piti, Sasa Bay, Anae 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.

(d) 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.

Article 3  
Marine Invertebrates

- §12301. Commercial Harvest of Trochus (*Trochus niloticus*) (Aliling).
- §12302. Harvest of Trochus for Personal Use.
- §12303. Commercial Harvest of Tridacnid Clams (All *Tridacna* spp.) (Hima).
- §12304. Harvest of *Tridacna* Clams for Personal Use.
- §12305. Commercial Harvest of Marine Gastropods and Bivalves.
- §12306. Harvest of Gastropods for Personal Use.
- §12307. Harvest of Bivalves for Personal Use.
- §12308. Other Marine Invertebrates.

**§12301. 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 1)

(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.

**§12302. 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.

**§12303. 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.

**§12304. 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 2)

(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."

**§12305. 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).

**§12306. 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.

**§12307. 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.

**§12308. 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.

Article 4  
Crabs and Lobsters

§12401. Commercial Harvest of Crabs.

§12402. Taking of Crabs for Personal Use.

**§12401. 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 antennae) 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 3)

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 4)

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.

**§12402.. 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 ½) 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.

Article 5  
Coconut Crabs

§12501. Commercial Harvest of Coconut Crabs.

§12502. Taking of Coconut Crabs for Personal Use.

**§12501. Commercial Harvest of Coconut Crabs. (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 5)

(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.

**§12502. 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.

Article 6  
Freshwater Fishing

§12601. Commercial Harvest of Freshwater Gamefish.

§12602. Taking of Freshwater Fauna for Personal Use.

**§12601. Commercial harvest of Freshwater Gamefish.**

The commercial harvest of freshwater fauna is prohibited. This does not include cultivated freshwater fauna from aquaculture facilities.

**§12602. Taking of Freshwater Fauna for Personal Use.**

(a) **Licenses.** The Department of Agriculture will issue freshwater fishing licenses at a cost of Fifty Dollars (\$50) per angler for non-indigenous residents wishing to fish in fresh water for one (1) fiscal year (October 1 to September 30). All persons fishing for or in possession of fresh water fauna must be in possession of a valid fresh water fishing license unless they are an indigenous native of Guahan or a spouse or child of an indigenous native of Guahan.

For purpose of this act, indigenous native refers to an individual born on Guam on or before 1940, his/her descendants and their spouses.

(b) **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.

(c) **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.

Section \_\_\_\_\_. The Department of Agriculture shall establish in accordance with the Administrative Adjudication Law a schedule of fines, fees, and penalties and appeals process related to specific violations of Title 16 of the Administrative Rules and Regulations.

Article 7  
Implementation

§12701. Timeframe and Implementation.

**§12701. Timeframe and Implementation. Effective Date.**

(a) This Law shall go into effect eight (8) months after enactment. During that initial eight (8) month period, the Director of Agriculture shall educate the public about the new law and generally prepare for implementation. Education of the public shall include the provision of educational materials to village mayors and conducting village aquatic presentations of information on the new regulations.

(1) During this period, the Director shall create and place at the appropriate locations, signs designed to define the locations and restrictions of the Marine Preserves.

(b) During the six (6) months immediately following the aforementioned preparatory period of eight (8) months, the Director shall issue only written warnings to first offenders who violate provisions of law regarding Marine Preserves. The Director shall record the names and addresses of first offenders. Persons who commit a second offense during this 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

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