

GOVERNMENT OF GUAM
Office of the Governor
Agana, Guam

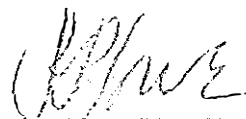
EXECUTIVE ORDER NO. 7-57

WHEREAS, Section 12309, Government Code of Guam, in conjunction with Section 12007, Government Code of Guam, authorizes the Department of Agriculture, subject to the approval of the Director of Agriculture, to formulate regulations pertaining to the methods of taking fish and the equipment to be used therein; and


WHEREAS, the aforesaid Section 12007, Government Code of Guam, provides that such regulations shall be issued upon approval by the Governor and promulgation by executive order:

NOW, THEREFORE, by virtue of the foregoing, the attached regulation entitled: "Department of Agriculture Regulation No. 4 Relating to Fish Weirs, Location of Fish Weirs, and Procedure for Securing Fish Weir Permits" are hereby approved and promulgated by executive order, and shall be in force and effect from 12:01 a.m., December 18, 1957, 1957.

Dated at Agana, Guam, this 12th day of December, 1957.


RICHARD BARRETT LOWE
Governor of Guam

COUNTERSIGNED:


MARC. BOSS
Secretary of Guam

GOVERNMENT OF GUAM
Department of Agriculture

Regulation No. 4. Relating to Fish Weirs,
Location of Fish Weirs, and Procedure for
Securing Fish Weir Permits.

Pursuant to the authority vested in the Director of Agriculture by Section 12007, Government Code of Guam, in conjunction with Section 12309, Government Code of Guam, the following regulations relating to fish weirs, location of fish weirs, and procedures for securing fish weir permits, as formulated by the Department of Agriculture, are hereby approved:

Section 1. Section 12308, Government Code of Guam, provides:

"Section 12308. Fish Weirs. It shall be unlawful for any person to place or maintain a fish weir in the waters of Guam unless he holds a valid permit from the Director. Such a permit shall be issued by the Director when he has determined that such weir will be located and constructed so as not to unjustly restrict the fishing of others nor result in the violation of provisions of this Article and supporting regulations. A fee of one dollar (\$1.00) per weir shall be paid to the Department for such a permit which shall be valid for only one year from date of issuance. The owner shall remove such weir from the water within thirty (30) days after the expiration of the permit unless the permit is otherwise renewed.

"It shall be unlawful for an owner of a fish weir to leave such weir in the waters of Guam unattended for a period of fifteen (15) days."

Section 2. Definition of Fish Weir. A fish weir is an apparatus for catching fish, consisting of a pocket or trap, with one or more wings or leaders or both, and remaining in a fixed location for more than twenty-four (24) hours. Any reference to "fish weir" as used in this regulation includes any part or component thereof, including any pole, support, net, brush, wire, mesh, rope, or other item or material.

Section 3. Limitations and Prohibitions.

(a) No wing shall exceed one hundred and fifty (150) feet in length. No leader shall exceed two hundred and fifty (250) feet in length.

(b) The mesh of the netting used in the construction of fish weirs shall be such as to permit the passage of objects measuring at least one inch in diameter or one inch square.

(c) No permit will be issued authorizing more than five (5) fish weirs for the area covered by such permit.

(d) The area covered by a single permit shall be contiguous, but this shall not be construed to authorize installation of fish weirs anywhere within such area if otherwise prohibited.

(e) No person shall place, install, construct, maintain, or operate any fish weir, including any part or component of a fish weir, except as authorized by a permit issued under this regulation.

Section 4. Location of Fish Weirs. No fish weir or any part or component thereof shall be located within one hundred (100) feet of the high water mark (shore line at high tide), one hundred and fifty (150) feet of any boat channel, six hundred (600) feet of a sewage outlet opening, or two hundred (200) feet from the fish weir of another permittee, or outside the area covered by the permit. No permit will be issued for the location of a fish weir at any other site determined by the Director of Agriculture, hereinafter referred to as the Director, to be contrary to the objectives of Title XIII, Government Code, or otherwise detrimental to the best interests of the public.

Section 5. Application for Permit. Any person desirous of obtaining a permit to place and operate one or more fish weirs in the waters of Guam shall submit a complete and signed application for the placement and operation thereof to the Director in a form prescribed by him. The application shall show (1) the name and address of the applicant, (2) the area requested to be covered by the permit, and (3) the number of fish weirs (pockets or traps) applied for.

Section 6. Investigation. Upon receipt of a complete and signed application, the Director shall promptly cause an investigation of all aspects of the application to be made.

Section 7. Issuance of Permits: Transfer. When all the requirements set forth in these regulations have been met, and the application has been approved by the Director, he shall issue a permit (in triplicate) in a form prescribed by him. The original copy shall be given to the permittee, the duplicate copy shall be retained in the Department of Agriculture, and the triplicate copy shall be delivered to the Commissioner of the area in which the fish

weir is located. A fee of one dollar (\$1.00) shall be paid for each fish weir (pocket or trap) before the permit is issued. Such permit shall be valid for one year from the date of issuance unless otherwise revoked. No permit may be transferred except upon approval by the Director. Upon approval of transfer of a permit, the permittee shall write his signature, and the transferee shall write his signature and address, in the appropriate space provided upon the permit. The Director shall then affix his signature of approval.

Section 8. Installation and Operation of Fish Weirs. At least one fish weir must be constructed and placed in operation within sixty (60) days from the date of issuance of the permit, and within sixty (60) days after any subsequent removal or destruction during the term of the permit. No owner of a fish weir shall leave a fish weir in the water unattended for a period of fifteen (15) days or more.

Section 9. Removal of Fish Weirs. The owner of a fish weir must remove such fish weir from the water within thirty (30) days from the date of expiration of his permit unless such permit is renewed.

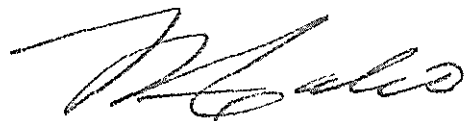
Section 10. Revocation of Permit. The Director may revoke a permit for any violation of this regulation upon a hearing held for such purpose, notice of which has been given the permittee ten (10) days in advance. The notice of hearing shall state the violations charged, and the date, time and place of the hearing. Any order of revocation entered pursuant to such hearing, shall be effective thirty (30) days after notice of the order of revocation to the permittee by which time he shall surrender his permit to the Director and remove his fish weir from the water.

Section 11. Fishing or Disturbance Near Fish Weir.

It shall be unlawful for any person not authorized by the owner of a fish weir to fish or cause any disturbance within one hundred (100) feet of any part or component of such fish weir.

Section 12. Penalty. Violations of these regulations are punishable under the provisions of Section 12310, Title XIII, Government Code of Guam, providing:

"Section 12310. Penalty. Any person violating any provision of this Article and supporting regulations shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), or by imprisonment for not less than fifteen (15) days nor more than ninety (90) days, or by both such fine and imprisonment. Provided that a violation of Sections 12303 and 12304 shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days or by both such fine and imprisonment."



MANUEL A. CALVO
Director of Agriculture

Date: SEP 16 1957