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**CH. 63 FISH, GAME, FORESTRY & CONSERVATION**

**CHAPTER 63**  
**FISH, GAME, FORESTRY & CONSERVATION**

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**FISH, GAME, FORESTRY & CONSERVATION**

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**§ 63101. Definitions.**

As used in this Article:

(a) Altering – to change, damage, impact, break, remove, relocate, or to harm, resulting from activities to include, but not limited to, construction, drilling, trenching, mechanical equipment, and development;

(b) Angling - taking of aquatic animal life with a hook;

(c) Aquatic Life - includes all aquatic animals and aquatic plants;

(d) Coral – any live or dead member or part thereof of the Phylum Cnidaria that form calcareous skeletons, spicules, or sclerites (including soft and hard corals both hermatypic and ahermatypic) or exist as sessile, solitary, or colonial polyps. Those members include, but are not limited to, all stony corals (Scleractinia), fire corals (Milleporina), hydrocorals (Stylasterina), soft corals (Alcyonacea), blue corals (Coenothecalia), organpipe corals and relatives (Stononifera) sea fans (Gorgonacea), black

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corals (Antipatharia), and sea anemones (Order Actinaria, Ceriantharia, and Zoanthidea);

(e) Firearm - any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannons, submachine guns, powerheads, and bangsticks. The specific mention of certain weapons does not exclude from this definition other weapons operated by explosives;

(f) Fish - any aquatic animal life, including, but not limited to, oysters, clams, mollusks, mussels, crustaceans, other shellfish, and coral;

(g) Fish Weir - an apparatus for catching fish, consisting of a pocket or trap, with one or more wings or leaders, or both. Any reference to a fish weir in this Article includes any part or component thereof, including any pole, support, net, brush, wire, mesh, rope, or other item or material. For the purpose of this Article, there are two (2) types of fish weirs:

(1) Main weir means the central pocket or trap of any fish weir and its leader (main entrance) and wings (side entrance); and

(2) Auxiliary weir means any supplementary trap or pocket and its leader and wings which are attached to the leader or wings of a main weir;

(h) Game - all native or introduced species of wild birds and wild or feral animals;

(i) Juvenile Goatfish (*Ti'āo*)- is defined as fish within the family Mullidae (Goatfishes) that are four (4) inches (100 mm) or smaller when measured from the tip of the snout or jaw to the rear center edge or fork of the tail (fork length);

(j) Juvenile Jacks (*I'e'*)- is defined as fish within the family Carangidae (Jacks) that are four (4) inches (100 mm) or smaller when measured from the tip of the snout or jaw to the rear center edge or fork of the tail (fork length);

(k) Juvenile Rabbitfish (*Mañāhak*) - is defined as fish within the family Siganidae (Rabbitfishes) that are three (3) inches (76

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mm) or smaller when measured from the tip of the snout or jaw to the rear center edge or fork of the tail (fork length);

(l) Mangroves - are defined as plants growing in soils with a high salt content and/or possess a well-developed system of conducting tissue to transport water, mineral salts, and sugars that occur in estuarine-tidal flat areas to include, but not limited to, species in the family Rhizophoraceae;

(m) Marine Preserve - is defined as a delineated area in which certain activities or uses are permanently restricted or prohibited;

(n) Resource- is defined as any non-living, or living entity;

(o) Rock - is defined as any hard material larger than sand size grains made from a mineral or petrified mass including, but not limited to, coral skeleton that has been weathered to form limestone;

(p) Sand - is defined as any loose grainy non-living material formed from the erosion of rocks, skeletal material and/or calcium carbonate formations;

(q) Seagrass - is defined as any species of marine angiosperms (flowering plants) to include, but not limited to, species in the families Hydrocharitaceae and Potamogetonaceae;

(r) Snagging - is defined as fishing in a manner with jerking motions with hooks and line in an attempt to pierce the body of the fish externally;

(s) Take - is defined as hunt, pursue, catch, capture, angle, seize, kill, trap, harm, shoot in any way or by any agency or device; every attempt to do such acts or to assist any other person in the doing of or the attempt to do such acts;

(t) Traditional Fishing Methods - is defined as subsistence-level cultural fishing practices in which the catch is not marketed, but rather is shared within the family or community for purposes of home consumption. Traditional methods most commonly include, but are not necessarily limited to:

(1) cast net (*talåya*);

(2) drag net/seine (*chenchulon ma hålla*);

(3) surround net (*chenchulon ma sugon*);

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- (4) trap net (*chenchulon ma mongle*); and
- (5) butterfly net (*chenchulon ababbang*).

(u) Vehicle - is defined as including every description of carriage or other contrivance used, or capable of being used, as means of transportation on, below, or above the land, including boat trailers, but does not include aircraft;

(v) Vessel - is defined as including every description of watercraft or other contrivance used, or capable of being used, as means of transportation in water; and

(w) Waters of Guam - is defined as 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 1 GCA § 402(a).

**SOURCE:** All SOURCE references in this Article will be to P.L. 6-87 unless otherwise noted. GC § 12300. Added by P.L. 6-87. Repealed/reenacted by P.L. 16-39:1. Amended by P.L. 20-185:2; P.L. 25-186:9; P.L. 28-107:2 (April 14, 2006).

**§ 63102. Authority of Department.**

The control and regulation of fish and game in and about Guam and the administration of this Article shall be vested in the Department [of Agriculture].

**SOURCE:** GC § 12301.

**§ 63103. Chief Conservation Officer: Deputies.**

The provisions of this Article shall be enforced by the Director, who shall be ex officio Chief Conservation Officer, and suitable employees of the Department, whom the Director may appoint as Deputy Conservation Officers, as well as by peace officers, as defined in 8 GCA § 5.55. The Chief Conservation Officer and Deputy Conservation Officers acting hereunder shall have the powers of peace officers to carry arms, to make arrests and to issue citations for violations.

**SOURCE:** GC § 12302; amended by P.L. 26-25:3..

**§ 63103.1. Civilian Volunteer Conservation Officer Reserve.**

(a) Creation. There is hereby created within the Department of Agriculture of the government of Guam, the Civilian Volunteer Conservation Officer Reserve, which shall be headed by the Director of

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Agriculture, hereafter referred to as the Director. The Director, subject to the advice and control of *I Muga'lahi*, shall carry out the purposes of this Chapter and shall have such additional duties and responsibilities as are authorized herein.

(b) Functions and Duties. The general function and duties of the Civilian Volunteer Conservation Officer Reserve shall be to provide backup manpower for the suppression of fish and wildlife crimes, preservation of law and order, and to assist in civil emergencies. The Director shall formulate a program whereby the Civilian Volunteer Conservation Officer Reserve shall fulfill the functions and duties herein prescribed. From time to time, the Director shall review and revise the functions and duties of the Civilian Volunteer Conservation Officer Reserve to insure an amicable discharge of its responsibilities and duties knowing that its role is the extension of duties of regular Department of Agriculture personnel.

(c) Recruitment. The Director shall recruit, on an entirely volunteer basis, local residents who desire to provide their services to the Department of Agriculture in carrying out its law enforcement duties and emergency functions. The Director shall promulgate rules and regulations consistent with the requirements of hiring regular Conservation Officers.

(d) Training, Equipment and Maintenance of Records. The Director shall devise a program whereby the Law Enforcement Section in the Division of Aquatic and Wildlife Resources of the Department of Agriculture and the Civil Defense Office provides the members of the Civilian Volunteer Conservation Officer Reserve training in crime prevention and operational techniques and procedures for natural and man-made emergencies. Volunteer officers must have a certificate of completion of a training program approved by competent authority. The Civilian Volunteer Conservation Officer Reserve shall maintain a roster of volunteers who have received the training prescribed herein. In order to maintain membership in the Reserve, each member must complete his or her scheduled training and no volunteer may remain in the Reserve if he or she is unable to successfully complete the training. Additionally, basic supplies and equipment shall be provided to assure constant functioning of the Civilian Volunteer Conservation Officer Reserve, including a continuing program for replacement of officers.

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(e) Volunteer: Authority. Whenever members of the Civilian Volunteer Conservation Reserve render assistance to Conservation Officers, the volunteers shall have the same powers, duties, rights, including coverage under the Worker's Compensation Act, privileges and immunities, as full-time employees of the Department of Agriculture, *except* that they shall earn recruitment credit for services performed as volunteers.

(f) Same: Allowance. Each member of the Civilian Volunteer Conservation Officer Reserve who successfully completes probationary requirements as established by the Director and who contributes a minimum of forty-two (42) hours or more per month, shall receive an allowance of Two Hundred Fifty Dollars (\$250.00) per month, to defray the cost of maintenance of his equipment and uniforms. The Department of Agriculture shall identify funds within department appropriations or other appropriate funding sources to satisfy the requirements of this Section.

(g) Same: Eligibility and Oath. No person shall be a volunteer member of the Civilian Volunteer Conservation Officer Reserve established under this Chapter who advocates a change by force or violence in the constitutional form of the Government of the United States or Guam or the overthrow of any Government in the United States by force, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Every volunteer shall, entering upon his or her duties, take an oath, in writing, before a person authorized to administer oaths in Guam, which oath shall be substantially as follows:

'I \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the laws of Guam, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter and I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of Guam by force or violence; and that during such time as I am a member of the Civilian Volunteer Conservation Reserve I will

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not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of Guam by force or violence.’

(h) Rules and Regulations: Recommendations. The Director shall create rules and regulations through the Administrative Adjudication process to implement and maintain the Civilian Volunteer Conservation Officer Reserve.

**SOURCE:** Added by P.L. 28-30:2.

**CROSS-REFERENCES:** 8 GCA § 5.55, defining who are Peace Officers.

**§ 63104. Taking Fish with Explosives.**

It shall be unlawful to take any fish using dynamite or any other explosives.

**SOURCE:** GC § 12303.

**§ 63105. Use of Explosives Unlawful.**

It shall be unlawful for any person to throw, drop or explode any dynamite or other explosive, or cause to be thrown, dropped or exploded any dynamite or other explosive in any waters of the Territory of Guam whether done for the purpose of taking fish or not, except as may be authorized pursuant to regulations.

**SOURCE:** GC § 12304.

**COURT DECISIONS:** For the extent of the Territory’s jurisdiction over the waters adjacent to Guam see *United States v. Borja*, 191 F. Supp. 563 (1961).

**CROSS-REFERENCES:** For definitions of the current jurisdiction of the Territory and the United States over areas controlled by the military, see 48 U.S.C.A. § 1704.

**§ 63106. Taking Fish by means of Poisonous or Intoxicating Substances Unlawful.**

It shall be unlawful for any person to take any fish by means of any substance which has a poisonous or intoxicating effect upon fish.

**SOURCE:** GC § 12305.

**§ 63107. Use of Poison or Intoxicating Substance Unlawful.**

It shall be unlawful for any person to deposit, throw, drop or discharge, or cause to be deposited, thrown, dropped or discharged in any manner in the waters of Guam any substance which has a poisonous or

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intoxicating effect upon fish whether done for the purpose of taking fish or not.

**SOURCE:** GC § 12306.

**§ 63108. Use of Electrical Devices.**

It shall be unlawful for any person to take fish by means of any device which operates by shocking with an electric current (either AC or DC).

**SOURCE:** GC § 12306.1 added by P.L. 16-39:2.

**§ 63109. Possession of Dynamite, Explosives, Poisonous or Intoxicating Substance.**

It shall be unlawful for any fisherman, or person in the habit of fishing, or person who is in the water or close by the shore where fish can be taken, to possess, in the absence of satisfactory cause for possession of the same, any dynamite or other explosive, or any substance which has a poisonous or intoxicating effect upon fish.

**SOURCE:** GC § 12307.

**§ 63110. Possession of Electric Shocking Devices.**

It shall be unlawful for any fisherman, person in the habit of fishing, or person who is in the water or close by the shore where fish can be taken, to possess, in the absence of satisfactory cause, any device capable of emitting an electric discharge into the water.

**SOURCE:** GC § 12307.1 added by P.L. 16-39:3.

**§ 63111. Fishing Equipment and Methods.**

The use of nets, flails, hooks and other devices and methods which may result in the taking of, or damage to, fish in violation of regulations governing fishing shall be unlawful.

**SOURCE:** GC § 12308 repealed/reenacted by P.L. 16-39:4.

**§ 63112. Fishing With Gill Nets (Tekin).**

(a) It shall be unlawful to abandon or discard a gill net in the waters of Guam.

(b) It shall be unlawful to leave a gill net, whether attended or unattended, in the waters of Guam for more than six (6) consecutive hours. For the purposes of this Section, the six (6) hour consecutive

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period continues to run if the gill net is not moved at least fifty (50) yards within a six (6) hour period from the time of its initial placement in the waters of Guam.

(c) It shall be unlawful to use a gill net with a length greater than one thousand (1,000) feet and no person shall intentionally set a net to drift in the waters of Guam.

(d) No person other than an individual engaged in traditional fishing methods as that term is defined by Section 63101(h) of this Chapter, or engaged in fishing for scientific purposes as permitted by the Division of Aquatic and Wildlife Resources of the Department of Agriculture shall take marine life with a gill net, including pelagic drift nets.

**SOURCE:** GC § 12308.1 added by P.L. 16-69:5. Subsection (c) amended by P.L. 20-185:3. Subsection (d) added by P.L. 20-185:4.

**§ 63113. Destruction of Coral.**

It shall be unlawful to willfully destroy coral growth for purposes of flushing fish from their habitat or for clearing an area for net fishing.

**SOURCE:** GC § 12308.2 added by P.L. 16-39.6.

**§ 63114. Illegally Taken Fish.**

It shall be unlawful for any person knowingly to take, buy, sell, transport or possess any fish, or any part thereof, contrary to the provisions of this Article or regulations made under § 63127.

**SOURCE:** GC § 12309.

**§ 63115. Fish Weirs.**

(a) It shall be unlawful for any person to place or maintain a fish weir in the waters of Guam unless he holds a valid license from the Director of Agriculture, hereinafter referred to as Director. The Director may, at his discretion, issue such a license imposing such conditions on the face thereof as are necessary so as not to unjustly restrict the fishing of others nor result in the violation of provisions of this Article and supporting regulations. Any applicant for a permit to place or maintain a fish weir shall not be required to obtain a land use permit to place a fish weir on submerged public lands.

(b) Limitations and Prohibitions.

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(1) Main Weir: No wing exceed three hundred (300) feet in length. No leader shall exceed five hundred (500) feet in length.

(2) Auxiliary Weir: No wing shall exceed one hundred fifty (150) feet in length. No leader shall exceed two hundred fifty (250) feet in length.

(3) The mesh of the netting used in the construction of fish weirs, main or auxiliary, shall be such as to permit the passage of objects or organisms measuring less than one (1) inch in diameter or one (1) inch square.

(4) No permit shall be issued authorizing more than one (1) main weir and two (2) auxiliary weirs for the area covered by such permit.

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

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

(c) Location of Fish Weirs. No fish weir or any or component thereof shall be located within one hundred (100) feet of the mean high water mark, one hundred 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 to be detrimental to the best interest of the public or responsible fisheries management.

(d) Application for Permit. Any applicant for a permit to place and operate one or more fish weirs in the waters of Guam shall submit complete and signed applications 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 (pocket or traps) applied for.

(e) 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.

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(f) Issuance of Permit. When all the requirements set forth in this Section have been met, and the application has been approved by the Director, he shall issue a permit in a form prescribed by him. The original copy shall be given to the permittee and a duplicate copy shall be retained in the Department of Agriculture.

A fee of Twenty-Five Dollars (\$25) shall be paid for each fish weir pocket or trap before the permit is issued. A permit shall be valid for one (1) year from the date of issuance unless otherwise revoked. No permit may be transferred except upon approval by the Director. Upon approval or 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.

(g) Installation and Operation of Fish Weir. At least one (1) fish weir must be constructed and placed in operation within sixty (60) days from the date of issuance of the permit, and 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.

(h) Submission of Monthly Catch Records Report. Each permittee shall be required to submit monthly catch records to the Department of Agriculture, Division of Aquatic and Wildlife Resources, commencing thirty (30) days after the weir is placed in operation and every subsequent thirty-day period until its removal.

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

(j) Revocation of Permit. The Director may revoke a permit for any violation of this regulation upon the completion of a hearing held for such purposes. Notice of the hearing shall be given to the permittee ten (10) days in advance and 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 or revocation to the permittee by which time he shall surrender his permit to the Director and remove his fish weir from the water.

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(k) Disturbance of Fish Weirs. It shall be unlawful for any person not authorized by the owner to remove fish from a fish weir. It shall be unlawful for any person other than the owner to remove, damage or otherwise willfully disrupt the operation of a fish weir operation under a lawful permit. It shall also be unlawful to use gill nets within one hundred (100) feet of a fish weir operating under a lawful permit.

**SOURCE:** GC § 12310 repealed/reenacted by P.L. 16-39:7. Subsection (a) R/R by P.L. 21-107:2.

**NOTE:** Section 1 of P.L. 21-107 states:

Legislative findings. The Legislature finds that fish weirs (gigau) have been used by the people of Guam for centuries and their utilization is a valued island tradition. The Legislature further finds that fish weirs are temporary in nature and that their use is duly regulated and licensed under the provisions of § 63115, Title 5, Guam Code Annotated. The Legislature further finds that the law regarding the use of submerged public land is being interpreted to require that fish weir licensees must also obtain submerged land use permits. It is the further finding of the Legislature that this is an unnecessary requirement given that the use of fish weirs including their location is already subject to regulation and control under the license process established by statute. The Legislature therefore finds that the law should be amended to remove the requirement for a submerged land use permit imposed on duly authorized fish weir licensees.

**§ 63116. Taking of Fish.**

Fish may be taken by lawful means at any time except as prohibited by regulation made under § 63127; provided, however, that it shall be unlawful for any person to place or maintain a drag net (*Chenchulu* or *tekin*) within Agana Boat Basin proper; and further provided that angling and cast net (*talâya*) fishing are the only approved methods of fishing within the Agana Boat Basin proper and within fifty feet of the western edge of the Agana Boat Basin channel on conditions as follows:

(a) When angling, not more than three hooks shall be attached to the main line and no snagging methods shall be used.

(b) The use of the cast net (*talâya*) is prohibited from boat slips in the Agana Boat Basin. Within the channel and mooring area, the *talâya* may be used only between the hours of 4:00 a.m. and 8:00 a.m. Within the other areas of the Agana Boat Basin, the *talâya* may be used at any time.

(c) [Repealed.]

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**SOURCE:** GC § 12311; amended by P.L. 14-85:1, adding the "proviso" and subsections (a) through (c). Subsection (b) amended by P.L. 16-112:1. Subsection (c) repealed by P.L. 15-66:VI:3.

**NOTE:** See § 63101 of this Article for definitions which were amended after the adoption of this Section. It may be that those definitions supersede those in this section.

**§ 63116.1. Purpose of Marine Preserves.**

The purpose of the marine preserve is to protect, preserve, manage, and conserve aquatic life, habitat, and marine communities and ecosystems, and to ensure the health, welfare and integrity of marine resources for current and future generations by managing, regulating, restricting, or prohibiting activities to include, but not limited to, fishing, development, human uses.

**SOURCE:** Added by P.L. 28-107:3 (April 14, 2006).

**§ 63116.2. Activities within Marine Preserves.**

All forms of fishing, and the taking or altering of aquatic life, living or dead coral and any resources to include, but not limited to, mangroves, seagrass, sand, and rocks within a preserve, is unlawful except as specifically permitted by the Director of Agriculture through regulations.

**SOURCE:** Added by P.L. 28-107:4 (April 14, 2006).

**§ 63117. Recovery of Fish & Game.**

It shall be unlawful for any person to kill, maim or injure any fish or game without making a reasonable effort to retrieve the fish or game and to include it in his or her daily bag or creel limit.

**SOURCE:** GC § 12311.1 added by P.L. 12-163.

**§ 63118. Unprotected Wild Animals.**

The following wild animals may be taken in the daytime:

- (a) Wild dogs.
- (b) Wild cats.
- (c) Reptiles.
- (d) Rats.

**SOURCE:** GC § 12312 amended by P.L. 8-43.

**§ 63119. Unprotected Wild Birds.**

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The following wild birds may be taken in the daytime:

- (a) Black drongos;
- (b) Rock doves (domestic pigeons);
- (c) Black-headed mannikin;
- (d) European tree sparrow.

**SOURCE:** GC § 12313, amended by P.L. 7-29; repealed/ reenacted by P.L. 16-39:15.

**§ 63120. Protection of Wild Birds.**

It shall be unlawful for any person to take, buy, sell, transport or possess any wild bird, or any part thereof, or wild bird eggs, except as authorized in this Article or as authorized by regulations made under § 63127.

**SOURCE:** GC § 12314.

**§ 63121. Protection of Wild Animals.**

It shall be unlawful for any person to take, buy, sell, transport or possess any wild or feral animal, or any part thereof, *except* as authorized in this Article or as authorized by regulations made under 5 GCA §§ 62104 and 63127.

**SOURCE:** GC § 12315. Repealed/reenacted by P.L. 25-186:10.

**§ 63122. License to Take Wild Birds and Wild and Feral Animals.**

Any owner or tenant of land or property that is being damaged or destroyed, or is in danger of being damaged or destroyed by any protected wild bird or wild or feral animal, may apply to the Director for a license to take such wild bird, or wild or feral animal. The Director, upon satisfactory evidence of such damage or destruction, actual or threatened, may issue a revocable license for the taking of such bird or wild or feral animal. It shall be unlawful for any person to violate the conditions of any license issued under the provisions of this Section.

**SOURCE:** GC § 12316. Repealed/reenacted by P.L. 25-186:11.

**§ 63123. Special License.**

The Director may issue, free of charge, to any qualified person, a license to take and transport fish or game, at any time, for scientific or

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educational purposes. Such a license shall be valid at the discretion of the Director and shall show upon its face the period of its validity.

**SOURCE:** GC § 12317.

**§ 63124. Importation: Harboring.**

(a) It shall be unlawful for any person to import any game without first obtaining a license issued by the Director. The Director may, in his discretion, issue such a license imposing such conditions on the face thereof as are necessary for the control of such game.

(b) It shall be unlawful to harbor or maintain any protected game in captivity without first obtaining a license issued by the Director. The Director may, in his discretion, issued such a license imposing such conditions on the fact thereof as are necessary for the control of such game.

(c) It shall be unlawful for any person to violate the conditions of any license issued under the provisions of this Section.

**SOURCE:** GC § 12318.

**NOTE:** GC § 12319 was repealed by P.L. 11-217.

**§ 63125. Use of Artificial Light Prohibited.**

It shall be unlawful for any person to take any game with a spotlight or any other artificial light of any kind. To be found with any spotlight with any rifle, shotgun or other firearm, and with ammunition, after sunset, in any wooded section or other place where any game may reasonably be expected, shall be prima facie evidence of violation of this section. Provided, however, that this section shall not apply to the taking of game pursuant to a permit issued in accordance with regulations issued under § 63127 of this Article.

**SOURCE:** GC § 12320 amended by P.L. 10-81.

**§ 63126. Keeping Guam Deer.**

**[Repealed.]**

**SOURCE:** P.L. 19-4, sections 24 and 25. Section 26 of P.L. 29-4 directs the Compiler of Laws to place sections 24 and 25 in the appropriate place in the Guam Code Annotated. Subsections (a) and (b) amended by P.L. 19-5:114, 115. Subsection (a) amended by P.L. 25-30:5. Repealed by P.L. 25-186:8.

**§ 63126.1. Domestication of Deer as Livestock.**

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**[Repealed.]**

**SOURCE:** Added by P.L. 25-30:6. Repealed by P.L. 25-186:8.

**CROSS-REFERENCES:** See 5 GCA Chapter 62, Article 1 for new law dealing with the same subject matter as contained in these two repealed sections. The former are replacements for these sections.

**§ 63127. Regulations.**

Regulations implementing this Article shall be formulated, approved and issued in accordance with the procedures set forth in the Administrative Adjudication Act, which regulations may include but shall not be limited to the following:

- (a) To fix, close, terminate, shorten or divide an open season or make open seasons conditional;
- (b) To prescribe the time of day when taking is permitted;
- (c) To regulate bag or creel limits and possession limits;
- (d) To regulate buying, selling or transporting fish and game;
- (e) To regulate the size and type of any device used for taking and regulate and method of taking;
- (f) To regulate or restrict the places where taking is permitted;
- (g) To provide for the issuance of annual hunting and fishing licenses under this Article;
- (h) To regulate the trapping and capture of wild and feral animals for the purposes of domestication under § 62104.1;
- (i) To set a fee for any license issued; however, in no event shall such fee exceed the sum of Five Hundred Dollars (\$500.00); and
- (j) To otherwise implement or carry out the purposes of this Article.

**SOURCE:** GC § 12321 amended by P.L. 7-46; repealed/ reenacted by P.L. 16-39:8. Subsections (h) - (j) repealed/reenacted by P.L. 25-186:12-14.

**§ 63128. Illegal Use of Nets, Vessels Including Engines, Motors and All Vessel Accessories, Paraphernalia, Beasts of Burden, Traps, Firearms, Electrical Devices, or Vehicles; Seizure; Forfeiture Proceeding; Sale or Destruction.**

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Any net, vessel including engines, motors and all vessel accessories, paraphernalia, beast of burden, trap, firearm, electrical device or vehicle used for taking or transporting fish or game taken in violation of the provisions of this Article is a public nuisance. Every person authorized to make an arrest for such violation shall seize and keep such net, vessel including engines, motors and all vessel accessories, trap, firearm, electrical device or vehicle and report the seizure to the Department of Agriculture.

The Department of Agriculture shall commence proceedings in the Superior Court by petitioning the court for a judgment forfeiting the items seized. Upon the filing of such petition, the clerk of court shall fix a time for a hearing and cause notices to be posted for fourteen (14) days in at least two (2) public places in the place where the court is held and in the Mayor's Office of the village wherein the person from whom the items were seized resides, setting forth the substance of the petition and the time and place fixed for its hearing. Upon proof that the items seized were used in violation of this Article, the court shall order such items forfeited. Any article so forfeited shall be sold, used or destroyed by the Department of Agriculture. The proceeds from all such sales shall be paid into the Wildlife Conservation Fund.

**SOURCE:** GC § 12322 repealed/reenacted by P.L. 16-39:9. Amended by P.L. 20-185:5.

**§ 63129. Penalty.**

Any person violating § 63104, § 63105, § 63106, § 63107, or § 63108 of this Article is guilty of a felony punishable by imprisonment of not more than five (5) years, or by a fine of not less than Five Hundred Dollars (\$500), nor more than Five Thousand Dollars (\$5,000), or by both. Any person violating § 63606.1 or § 63606.2 of this Chapter shall be guilty of a felony, and upon conviction thereof may be imprisoned for not more than five (5) years, or fined not more than One Hundred Thousand Dollars (\$100,000), or both. A violation of any other provision of this Article or its supporting regulations shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than Fifty Dollars (\$50), nor more than Five Hundred Dollars (\$500), or by imprisonment of not more than ninety (90) days, or by both fine and imprisonment. In addition, all pelagic drift nets or their components, equipment for their manufacture, containers for such nets, fish or fish products gathered through the use of a pelagic drift net, and

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all conveyances including aircraft, vehicles and vessels used for their transport shall be subject to forfeiture, and may be seized by the Governor under process issued by the Superior Court except that such seizure without such process may be made when the seizure is incidental to an arrest or a search pursuant to a search warrant, or as provided by § 63128 of this Article..

**SOURCE:** GC § 12323 amended by P.L. 13-187:108, P.L. 16-39:10. Amended by P.L. 20-185:8.

**§ 63130. Wildlife Conservation Fund.**

(a) There is hereby established a fund to be known as the ‘Wildlife Conservation Fund,’ which shall be maintained separate and apart from any other funds of the government of Guam, and independent records and accounts shall be maintained in connection therewith. All license fees collected under this Article shall be deposited into said Fund. Deposits into said Fund shall include, but are not limited to, (i) fine payments, (ii) donations and (iii) permit fees.

All funds collected under this Article or activities associated with the Division of Aquatic and Wildlife Resources shall be deposited into the Fund. The Chief of the Division of Aquatic and Wildlife Resources shall account for the license fees, permit fees, payment of fines and donation separately.

(b) The Wildlife Conservation Fund shall be used exclusively for the purposes of this Article, or other activities under the management of the Division of Aquatic and Wildlife Resources. Said Fund shall be examined and reported upon by the Director of the Department Administration as required by law, who shall submit a quarterly report to *I Liheslaturan Guåhan*. The certifying officer for said Fund shall be the Director.

The Chief of the Division of Aquatic and Wildlife Resources shall have programmatic oversight of said Fund, and no expenditure shall be made therefrom without both the Chief of the Division of Aquatic and Wildlife Resources and the Director of the Department of Agriculture’s prior written consent.

**SOURCE:** GC § 12324 added by P.L. 7-46. Amended by P.L. 26-107:2.

**§ 63131. Nonpayment of Child Support.**

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The Director of Agriculture shall not issue or re-issue any annual hunting or fishing license provided under this Article or regulations adopted under this Article to any person upon receipt of a certification from the Department of Law that the person is in non-compliance with a court order of support, and shall suspend any such license in effect at the time of receipt of such certification, with such suspension to remain in effect until a confirmation of compliance is received from the Department of Law.

**SOURCE:** Added as § 63130 by P.L.24-116:5. Renumbered by Compiler since § 63130 was already occupied.

**NOTE:** P.L. 25-161:6 enacted the same section:

**“Section 63131. Nonpayment of Child Support.** The Director of Agriculture shall *not* issue or re-issue any annual hunting or fishing license provided under this Article or regulations adopted under this Article to any person upon receipt of a certification from the Department of Law that the person is in non-compliance with a court order of support, and shall suspend any such license in effect at the time of receipt of such certification, with such suspension to remain in effect until a confirmation of compliance is received from the Department of Law.”

**§ 63132. Chamorro Terms required.**

All references in Guam statutes and regulations to terms defined by Title 5 GCA §63101 are hereby modified to reflect the updated *Chamorro* spelling therein.

**SOURCE:** Added by P.L. 28-107:5 (April 14, 2006).

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**ARTICLE 2**  
**ENDANGERED SPECIES ACT OF GUAM**

- § 63201. Title.
- § 63202. Purposes.
- § 63203. Definitions.
- § 63204. Policy.
- § 63205. Authority.
- § 63206. Prohibitions.
- § 63207. Permits.
- § 63208. Enforcement.