

Article 4
Harboring Wild Deer

- §3400. Authority.
- §3401. Definitions.
- §3402. Taking of Deer.
- §3403. Deer Registration.
- §3404. Unregistered Deer.
- §3405. Tagging.
- §3406. Permits and Fees.
- §3407. Facilities.
- §3408. Inspection of Facilities.
- §3409. Ownership.
- §3410. Transfer of Ownership.
- §3411. Proper Care.
- §3412. Disposition of Dead Animals.
- §3413. Lost Animals.
- §3414. Stolen Animals.
- §3415. Revocation of Permits.
- §3416. Expired Permits.
- §3417. Disposition of Live Animals.
- §3418. Penalties.

NOTE: These Regulations were promulgated on October 30, 1990, going into effect on December 15, 1990, having been filed with the Legislative Secretary on October 31, 1990.

§3400. Authority. In accordance with the authority granted the Director of Agriculture by 5 GCA §63102, §63126 and §63127, the following regulations governing the harboring of Guam deer as pets are hereby promulgated.

§3401. Definitions. For the purposes of this regulations, *deer* shall mean Guam Deer (*Cervus unicolor mariannus*), the species of deer introduced to Guam and now free living in the wild; *Director* means the Director of the Department of Agriculture; *Department* means the Department of Agriculture; *Division* means the Division of Aquatic and Wildlife Resources; *GCA* means the Guam Code Annotated.

§3402. Taking of Deer. No Guam deer may be taken from the wild any person for the purpose of harboring them in captivity as pets. Only those Guam deer currently held in captivity, or the progeny of any registered deer may be harbored as pets. At the discretion of the Director, as provided in 5 GCA §63124(b), deer may be harbored for other purposes, which include but are not limited to research and exhibition in zoos.

§3403. Deer Registration. All persons harboring Guam deer in captivity as pets must register their deer

with the Department within 30 days of the effective date of these regulations and apply for a permit to continue to harbor the subject deer. The birth of a fawn to any registered deer must be reported to the Division within 30 days its their birth. Information required for registration includes the name, mailing address, residence address and telephone number of the registering owner; the description of the animal; the location and a map of where the deer will be harbored; and the means by which the deer was obtained. The registered owner must notify the Department of any change of location where the deer will be harbored within three days after the change and provide evidence that they have provided the minimum facilities and shelter requirements at the new location. The registered owner must notify the Department of any change in mailing address or residence address within 30 days after the change.

§3404. Unregistered Deer. Any deer that is found harbored 30 days after the effective date of these regulations that is not registered and tagged as prescribed in §3402 and §3404 of this Chapter shall be considered prima facie evidence of a deer that has been taken illegally and harbored, in violation of §3401 of this Chapter and 5 GCA §§63121, 63124(b) and 63127. Deer harbored for more than 30 days on an expired permit and newborn fawns not registered with the Division within 30 days after their birth shall be considered unregistered deer. Unregistered deer or those held on expired permits may be confiscated for evidence immediately, but the Administrative Adjudication Law [will] be used to determine the deer's ownership.

§3405. Tagging. All deer registered to be harbored as pets shall be tagged in both ears with numbered ear tags by the Division. Should a tag become lost or dislodged from the animal, the owner must immediately notify the Division for replacement.

§3406. Permits and Fees. The Division shall issue annual permits and renewals to qualified persons harboring deer in captivity as pets. The owner must provide evidence that they have provided the minimum facilities and shelter requirements for each animal harbored prior to the issuance of a permit and prior to a renewal of any permit. The adequacy of facilities shall be subject to verification by physical

inspection by authorized Division personnel. There shall be an initial registration and permit fee of \$50 per deer, and an annual permit renewal fee of \$10 per deer. Annual permits shall be valid for the fiscal year in which issued and must be renewed within 30 days after the start of the new fiscal year. Any permits not properly renewed shall be considered expired.

§3407. Facilities. Each registered owner shall provide a minimum of 100 square feet of fenced-in area for each deer that is harbored with the exception that a fawn can be penned with its mother and not be considered a separate deer up through the age of six months. Once a fawn reached six months of age, it is considered a separate deer for the purpose of determining shelter requirements. Each enclosure shall provide a minimum area of 32 square feet that is sheltered from the weather, including rainfall and sunlight. Each animal penned together for breeding purposes must be provided the minimum shelter requirements described above.

§3408. Inspection of Facilities. As a condition of any permit issued under this Article, personnel from the Division shall be permitted to inspect subject animals and facilities in which pet deer are kept, such inspection to take place during normal working hours of the day after prior notification to the owner.

§3409. Ownership. Deer harbored as pets belong to the registered owner. The registered owner assumes full liability for any mishaps or injury caused by the animal and will be liable for any damage to property, real or personal, caused by the pet deer.

§3410. Transfer of Ownership. Deer harbored as pets may not be offered for sale, dead or alive. Ownership may be transferred between persons but such transfer shall not involve the exchange of any money or barter. Prior to transfer of ownership, the current owner must notify the Division of the pending change in ownership and provide details as to the identity of the new owner and the date of transfer. Within three days after the transfer of ownership, the new owner must register with the Division and provide evidence that they have provided the minimum facilities and shelter requirements for each animal harbored.

§3411. Proper Care. It shall be the responsibility of the registered owner to provide the subject deer with a sufficient daily amount of wholesome food and water; proper shelter and protection from the weather; veterinary care when needed to prevent suffering; and humane care and treatment as prescribed in 10 GCA §34205(a) which states, "No owner shall fail to provide his animals with sufficient, good and wholesome food and water, proper shelter and protection to prevent suffering and with humane care and treatment."

§3412. Disposition of Dead Animals. Any deer held as a pet which dies in captivity must be immediately reported to the Division. The method of disposition will be determined by the Director. Under no circumstances can the animal be consumed as food.

§3413. Lost Animals. In the event a pet deer becomes lost, the registered owner must immediately notify the Division and file a police report if so requested by the Department.

§3414. Stolen Animals. In the event a pet deer is stolen, the registered owner must immediately notify the Department and file a police report.

§3415. Revocation of Permits. (a) The Department may revoke a permit if the person fails to comply with the care requirements set forth in §3410 or the minimum facility requirements set forth in §3406 of this Article. If a registered owner is found to be in noncompliance with these regulations, he will be given a written notice of intent to revoke his permit and given 30 days to correct the alleged deficiencies as set forth in the notice to revoke. If the deficiencies are not corrected within 30 days, the Department will initiate revocation procedures in accordance with provisions of the Administrative Adjudicate Law as outlined in 5 GCA §§9100-9312. Service of any notice is accomplished by personal service or by leaving a copy at the respondent's usual place of residence, or at his place of business, with some person of suitable age and discretion residing in or working therein, or by registered mail to the respondent's last known mailing address on record with the Department.

(b) If a permit is revoked by the Department, the subject deer will be confiscated and disposed of in accordance with §3417 of this Article. No part of the permit or registration fee shall be refunded.

§3416. Expired Permits. Any deer harbored for more than 30 days on an expired permit as defined in §3405 shall be considered prima facie evidence of an illegally harbored deer, in violation of 5 GCA §63124, and the owner shall be subject to penalties prescribed in 5 GCA §63129. Unregistered deer or those held on expired permits may be confiscated for evidence immediately, but the Administrative Adjudication Law [will]¹ be used to determine the deer's ownership.

§3417. Disposition of Live Animals. Deer that come into the possession of the Division are normally returned to the wild. However, occasionally deer may be acquired that cannot be released into the wild and must be kept in captivity. Examples of such cases include animals that cannot be released back into the wild because of the nature their injury; pet deer turned into the Division; and, animals forfeited to the Division during legal action. Such animals may be distributed to the public as pets under these regulations at the discretion of the Director. The Division will maintain a list of persons interested in obtaining such deer as pets and may select a person on the list to take ownership of a deer that must be cared for in captivity. The selection process will be by a random draw of all interested persons on the list. The selected person must register the animal as provided in this Article and shall abide by all provisions heretofore outlined for its care.

§3418. Penalties. Persons found in violation of §3410 and §3412 of this Article relating to the sale of a pet deer or the use of a deer for a purpose other than pets shall be subject to a civil penalty of \$5,000 as provided by 5 GCA §63126(c). Persons found in violation of §3401, §3402, §3403, §3404, §3405, §3411 and §3415 of this Article shall be guilty of a misdemeanor violation of 5 GCA §63121, §63124(b) and/or §63127, and shall be subject to the penalties prescribed in 5 GCA §63129, namely, a fine of not less

1

The Compiler has added "will" in order to make this sentence, and the sentence stating the same thing in §3404, mean anything. Since the Administrative Adjudication law is mandatory, the Compiler assumed that this sentence intends that immediate confiscation for evidence is discretionary, but use of the AAL is mandatory for determination of final ownership.

9 GAR ANIMAL REGULATIONS
DIV. 1 - CARE & CONSERVATION OF ANIMALS

than \$50 nor more than \$500 or by imprisonment of not more than 90 days or by both such fine and imprisonment.