

Article 5  
Fish Weirs Permits

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**NOTE:** Rule making authority cited for formulation of regulations for fish weirs permits by the Director of Agriculture, 5 GCA §§63115 and 60108.

Due to the very extensive revisions of the law dealing with fish weirs by the 18th Guam Legislature, and no later amendment of these rules, all persons involved should first look at 5 GCA §63115 for present requirements which may or may not conflict with this Article.

**§12500. Authorization.** Pursuant to the authority vested in the Director of Agriculture by 5 GCA §60108, in conjunction with §63114, Executive Orders 7-57 and 61-15, 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.

**§12501. Government Code Provision.** Title 5 GCA §63115, as amended by P.L. 16-39:7 sets forth the law relating to fish weirs.

**§12502. 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 purposes of this regulation, there are two types of fish weirs, a main weir and auxiliary weirs. Any reference to fish weir as used in this regulation includes a part or component thereof, including any pole, support, net, brush, wire, mesh, rope, or other item or material. (Amended by Executive Order 61-15. The foregoing amendment shall apply to all fish weir permits issued on or after July 1, 1961.)

**§12503. Limitations and Prohibitions.** (a) **Main weir:** No wing shall exceed three hundred (300) feet in length. No leader shall exceed five hundred (500) feet in length.

(b) **Auxiliary weir:** No wing shall exceed one hundred fifty (150) feet in length. No leader shall exceed two hundred fifty (250) feet in length.

(c) 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 measuring at least one inch in diameter or one inch square.

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

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

(f) 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. (Amended by Executive Order 61-15. The foregoing amendment shall apply to all fish weir permits issued on or after July 1, 1961.)

**§12504. 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 of Guam, or otherwise detrimental to the best interests of the public.

**§12505. 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.

**§12506. 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.

**§12507. Issuance of Permit: 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 in 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 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.

**§12508. 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 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.

**§12509. Removal of Fish Weirs.** The owner of a fish weir must remove fish weir from the water within thirty (30) days after notice of expiration of his permit unless such permit is renewed.

**§12510. Revocation of Permit.** The Director may revoke a permit for a 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.

**§12511. 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.

**§12512. Penalty.** Violations of these regulations are punishable under the provisions of 5 GCA §63129.