



Recent Shark Sanctuaries and Other Protections

- Palau National Shark Sanctuary
- Maldives National Shark Sanctuary
- Hawaii Shark Retention Ban
- Honduras/Palau Shark Sanctuary Challenge
- Northern Mariana Islands Shark Retention Ban
- Guam Shark Retention Ban





Palau

Shark Sanctuary

September 25, 2009

The Honorable Johnson Toribiong, President of Palau (center), declares the waters of Palau a national shark sanctuary, with Palau Ambassador Stuart Beck (right) and Pew staff member Matt Rand (left). Palau's sanctuary, which covers its entire exclusive economic zone, is roughly 629,000 square kilometers.

United Nations

New York, United States

President Johnson Toribiong
Declaration Naming Palau's Waters a Shark Sanctuary
September 25, 2009

As top predators, sharks play a critical role in maintaining healthy marine ecosystems. Yet these animals - that predate dinosaurs by 200 million years - are at serious risk: 38% of sharks and related rays are threatened or near threatened with extinction and scientists lack population data for another 35% of species. Roughly 100 million sharks are killed annually, largely for their valuable fins. This rate is unsustainable, for most sharks grow slowly, mature late and produce few young over long lifetimes.

In order to protect sharks and the ecosystems they support, I declare Palau a Shark Sanctuary, where commercial shark fishing is outlawed throughout our entire exclusive economic zone with zero retention of sharks. This action will shelter over 100 Western Pacific sharks and ray species that are threatened or near threatened with extinction, including grey and blacktip reef sharks, which are residents of our reefs.

Protecting sharks maintains the integrity of our marine ecosystems, which host coral and reef fish in all shapes, sizes and colors, sea turtles, dolphins, and other marine life. This benefits not only Palauans, those who depend on the marine environment for their livelihoods, but also tourists from around the world that come to Palau to dive or snorkel, tour the Rock Islands, and swim in Jellyfish Lake.

With this declaration, I pledge to strengthen monitoring and enforcement of our fishing laws and close any loopholes in existing shark laws that might be exploited. In addition, I ask that nations respect our laws and keep illegal fishing vessels out of Palau's waters.

Finally, Palau will remain an international leader on shark conservation and marine preservation. I call on all nations to implement a global moratorium on shark finning, the wasteful and inhumane practice of bringing a shark on board a vessel, slicing off its valuable fins, and discarding the body overboard dead or to die. I will also urge the world's fisheries managers to set science-based limits to the number of sharks that can be caught within international waters. Finally, I will seek protections for vulnerable shark species threatened by international trade at the Convention on the International Trade of Endangered Species.

A BILL FOR AN ACT

To establish a shark haven in the Republic of Palau's territorial waters, contiguous zone, and exclusive economic zone, and for other related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBII ERA KELULAU DO ENACT AS FOLLOWS:

1 **Section 1. Short title.** This Bill may be referred to as "The Shark Haven Act of 2009."

2 **Section 2. Legislative findings.** In his September 25, 2009 address to the United Nations
3 General Assembly, the President of the Republic of Palau, His Excellency Johnson Toribiong,
4 declared that Palau would lead the charge in preserving shark populations throughout the world.
5 This is an extremely important declaration, both for the Republic of Palau and for the world at
6 large. At a local level, Palau's economic and cultural fate is inextricably tied to the ocean, and
7 sharks play an integral role in maintaining the ocean's complex ecological balance. Their
8 diminishing numbers have already had wide ranging negative impacts, including jellyfish blooms
9 and the coral reef destruction, and have likely had deleterious effects of which we are not yet
10 aware. These continued negative impacts, if unabated, will be disastrous for Palau. On a global
11 scale, these effects will ultimately fall out to the rest of the world's oceans, and eventually have a
12 substantial impact on the world's population. Given Palau's immediate dependence on the ocean,
13 it is incumbent upon us to lead the way in global efforts in its preservation.

14 This Bill, known as the Shark Haven Act of 2009, is the first step in ensuring that Palau's
15 laws and policies are consistent with the broad principles the President laid out in his United
16 Nations speech. This Bill operates in three parts: first, it strengthens Palau's existing anti-shark
17 finning law; second, it directs the Minister of State to take affirmative steps to forge bilateral and
18 multilateral agreements to establish and enforce strong anti-shark fishing laws; third the Bill
19 directs the Ministers of State, Justice, and Natural Resources, Environment and Tourism to report
20 at least biannually to the President of the Republic and Olbiil Era Kelulau on the current status of
21 Palau's anti-shark fishing laws. The Olbiil Era Kelulau finds that this three-part approach will
22 not only help ensure that Palau's local anti-shark fishing laws are effectively enforced, but will
23 also position Palau as a world leader in both shark and ocean conservation. Such a status is

1 consistent not only with the President’s United Nations speech, but also with Palau’s long-
 2 standing cultural ties with the oceans.

3 **Section 3. Amendment.** Title 27 of the Palau National Code, as amended by RPPL No. 6-
 4 36, is hereby further amended to read as follows:

5 “§ **181. Prohibited acts.** It is unlawful within the Republic of Palau’s territorial waters,
 6 contiguous zone, or exclusive economic zone for any person:

7 ...

8 (k) ~~to use any foreign fishing vessel to:~~

9 (1) catch, capture, or intentionally fish for, as that term is defined in ~~27 PNC~~
 10 ~~Chapter 12~~ section 1203 of this title, for any shark, or any part of any such; provided,
 11 however, that a vessel wholly owned by Palauan citizens or a business entity wholly
 12 owned by Palauan citizens may catch, incidental to other fishing activities, not more than
 13 one shark in any given calendar day, so long as the shark is landed whole, reported to the
 14 Bureau of Marine Resources and the Division of Marine Law Enforcement on the day it
 15 is caught, and the shark is used for a non-commercial purpose that is either personal or
 16 traditional; or

17 (2) ~~to intentionally~~ remove the fins or the tail of, or otherwise ~~intentionally~~
 18 mutilate or injure, any ~~such~~ shark; or

19 (3) intentionally chum for, or otherwise add substances to the water to attract any
 20 shark.

21 ~~If~~ Except as provided in subdivision (1) of this subsection, if any shark is inadvertently caught or
 22 captured, it shall be immediately released, whether dead or alive; if the shark is caught or
 23 captured alive, it shall be released in the manner that affords it the greatest opportunity for
 24 survival.

25 (l) to possess, receive, sell, transfer, store, have on board, or transship any shark, or any
 26 part of any shark. For the purpose of this subsection, there shall be a rebuttable presumption that
 27 if any shark, or any part of a shark, is found aboard a vessel the shark, or shark part, was
 28 possessed or transferred in violation of this subsection.

29 ...

30 § **182. Criminal penalties.**

1 ...

2 (b) Any offense described as a prohibited act by section 181 (a), (b), (c), (i), (j), ~~or (k)~~, or
3 (l) is punishable by a fine of not more than \$250,000. If the fins or tail of a shark have been
4 removed, or a shark has otherwise been cut up, separated, or dismembered in violation of section
5 181(k)(2) of this title, each piece of the shark shall constitute a separate criminal violation.

6 ...

7 **§ 183. Civil penalties.**

8 Any person who is found by the Supreme Court in a civil proceeding to have committed
9 an act prohibited by section 181 of this title shall be liable to the national government for a civil
10 penalty which shall not exceed \$500,000 for each violation. Each day of continuing violation
11 shall constitute a separate offense. If the fins or tail of a shark have been removed, or a shark has
12 otherwise been cut up, separated, or dismembered in violation of section 181(k)(2) of this title,
13 each piece of the shark shall constitute a separate civil violation.”

14 **Section 4. International cooperation.** The Minister of State shall:

15 (a) seek agreements, whether bilateral or multilateral, to establish international shark
16 protection measures that are consistent with those of this Act;

17 (b) seek aid from foreign governments, international organizations, non-government
18 organizations, or other entities to help with the enforcement of Palau’s shark conservation laws,
19 as well as the enforcement of any international shark conservation agreement to which Palau is
20 party; and

21 (c) initiate discussions with foreign governments that are engaged in, or that have citizens
22 or companies engaged in, activities related to the fishing for or finning of sharks.

23 **Section 5. Ministries to report to President and the Olbiil Era Kelulau.** The Minister of
24 Natural Resources, Environment and Tourism, in consultation with the Ministers of State and
25 Justice, shall within one year of the effective date of this Act, and at least biannually afterward,
26 provide a report to the President of the Republic and the Olbiil Era Kelulau that includes the
27 following:

28 (a) the state of knowledge on the status of the shark population within the Republic of
29 Palau’s territorial waters, contiguous zone, or exclusive economic zone, as well as those sharks
30 subject to treaties or agreements to which the Republic of Palau is a party, including a list of all

1 such sharks listed as depleted, endangered, or threatened with extinction by any national
2 international or other authority charged with management or conservation of living marine
3 resources;

4 (b) a list of nations whose fishing vessels have been identified as engaging in the
5 preceding calendar year in activities or practices related to the fishing for or finning of sharks
6 both in the Republic of Palau's territorial waters, contiguous zone and exclusive economic zone
7 and in waters outside the Republic of Palau's national jurisdiction.

8 (c) a description of efforts nations on the lists compiled pursuant to subsection (b) of this
9 section to curb shark fishing or finning activities, and an evaluation of the progress of those
10 efforts;

11 (d) steps taken by the Republic of Palau to enforce the shark conservation provisions of
12 this Act;

13 (e) steps taken by the Minister of State to fulfill the obligations of Section 4 of this Act.

14 (f) steps taken at the international level to strengthen the efforts of international fishery
15 organizations to end fishing for or finning of sharks; and

16 (g) steps taken by the Minister of State at the international level to adopt international
17 conservation measures comparable to those found in this Act to protect shark populations.

18 **Section 6. Effective date.** This Act shall take effect upon its approval by the President, or
19 upon becoming law without such approval.

Date: 10-14-2009

Introduced by: _____/s/_____
Hokkons Baules, Senator



Maldives

Shark Sanctuary

March 17, 2010

Dr. Ibrahim Didi, Maldives Minister of Fisheries and Agriculture (center), with Pew Environment Group staff and Sylvia Earle after announcing a shark sanctuary in the Maldives' exclusive economic zone at the Convention on the International Trade of Endangered Species (CITES). The sanctuary is roughly the size of Portugal.

CITES

Doha, Qatar

Government to impose ban on trade and export of sharks and shark products



The cabinet in its meeting today has decided to ban trade and export of sharks and shark products. The ban will come into effect on 1 July 2010. Today's cabinet meeting was chaired by Vice President Dr Mohamed Waheed.

In their meeting on 23 February, the cabinet had discussed on the decision to impose a total ban on shark hunting by 1 March 2010. It was decided on that meeting that a paper on this matter should be submitted to the cabinet within 14 days.

At today's meeting the cabinet deliberated on the paper submitted, and decided to enforce the decision on banning shark hunting in the Maldives beginning from 1 March 2010. It was also decided that the Ministry of Fisheries and Agriculture would assist shark fishermen to find alternative livelihood.

At today's meeting, the cabinet also decided that the Maldives would ratify the Agreement on the Establishment of South Asian Regional Standards Organisation (SARSO).

One of the key objectives of this agreement is to develop harmonized standards for the region to facilitate intra-regional trade.

The members noted that with the ratification of this agreement, consumer confidence on Maldivian local products will improve and that the Maldives would benefit from SARSO assistance in formulation national standards.



Hawaii

May 29, 2010

Senator Clayton Hee (right) championed the shark fin ban in the Hawaiian Legislature, the first of its kind in the United States. S.B. 2169 bans the possession, sale, and distribution of shark fins in the state of Hawaii and coupled with the U.S. Shark Conservation Act, bans retention of all sharks within Hawaii's waters.

Honolulu, United States

A BILL FOR AN ACT

RELATING TO SHARK FINS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Sharks are one of the top predators in the
2 marine food chain and play an important role in our ocean's
3 ecosystem. Sharks have characteristics that make them more
4 vulnerable to overfishing than most fish, and data from state,
5 federal, and international agencies show a decline in the shark
6 populations both locally and worldwide. Unlike other fish
7 species, most sharks do not reach sexual maturity until seven to
8 twelve years of age and then only give birth to a small litter
9 of young. Thus, sharks cannot rebuild their populations quickly
10 once they are overfished.

11 The practice of shark finning, where a shark is caught, the
12 fin is cut off, and the shark is returned to the water, causes
13 tens of millions of sharks to die a slow death each year. Some
14 sharks starve to death, others are slowly eaten by other fish,
15 and some drown because most sharks need to keep moving to force
16 water through their gills for oxygen.



1 Sharks are an essential element of the ocean's ecosystem,
2 and by reducing the demand for shark fins, Hawaii can help
3 ensure that sharks will not become extinct.

4 SECTION 2. Chapter 188, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§188- Shark fins; prohibited. (a) It shall be
8 unlawful for any person to possess, sell, offer for sale, trade,
9 or distribute shark fins.

10 (b) Notwithstanding subsection (a), any person who holds a
11 license or permit issued by the department of land and natural
12 resources to conduct research or for educational purposes
13 possesses, sells, offers for sale, trades, or distributes shark
14 fins shall not be subject to the penalties in this section.

15 (c) Prior to July 1, 2011, any restaurant holding a valid
16 certificate, permit, or license issued by the department of
17 health under section 321-11 may possess, sell, offer for sale,
18 trade, or distribute shark fins possessed by that restaurant as
19 of July 1, 2010 which are prepared for consumption.

20 (d) Any person violating this section or any rule adopted
21 pursuant to this section shall be penalized as follows:



1 (1) For a first offense, by an administrative fine of not
2 less than \$5,000 and not more than \$15,000;

3 (2) For a second offense, by an administrative fine of not
4 less than \$15,000 and not more than \$35,000. In
5 addition, shark fins, commercial marine licenses,
6 vessels, fishing equipment, or other property involved
7 in a violation of this section shall be subject to
8 seizure and forfeiture pursuant to chapter 712A; and

9 (3) For a third or subsequent offense, by an
10 administrative fine of not less than \$35,000 and not
11 more than \$50,000 or by imprisonment of not more than
12 one year, or both. In addition, shark fins,
13 commercial marine licenses, vessels, fishing
14 equipment, or other property involved in a violation
15 of this section shall be subject to seizure and
16 forfeiture pursuant to chapter 712A.

17 (e) In addition to any penalties imposed under subsection
18 (d), any person violating this section or any rule adopted under
19 it shall be subject to any other penalties authorized by section
20 188-70, and may be assessed administrative fees and costs, and
21 attorney's fees and costs.



1 (f) The department may adopt rules pursuant to chapter 91
2 necessary for the purposes of this section.

3 (g) For the purpose of this section, "shark fin" means the
4 raw or dried fin or tail of a shark."

5 SECTION 3. Section 188-40.5, Hawaii Revised Statutes, is
6 repealed.

7 [~~§188-40.5~~ ~~Sharks; prohibitions; administrative~~
8 ~~penalties.~~ (a) ~~No person shall knowingly harvest shark fins~~
9 ~~from the territorial waters of the State, or land shark fins in~~
10 ~~the State, unless the fins were taken from a shark landed whole~~
11 ~~in the State.~~

12 ~~(b) Any person violating this section or any rule adopted~~
13 ~~thereunder shall be subject to:~~

- 14 ~~(1) Seizure and forfeiture of shark fins, commercial~~
15 ~~marine license, vessel, and fishing equipment; and~~
16 ~~(2) An administrative fine of not less than \$5,000 and not~~
17 ~~more than \$15,000. In addition, the violator may be~~
18 ~~assessed administrative fees and costs, and attorney's~~
19 ~~fees and costs.~~

20 ~~(c) Any criminal prosecution or penalty imposed for~~
21 ~~violation of this section or any rule adopted thereunder shall~~
22 ~~not preclude seizure and forfeiture pursuant to chapter 712A, or~~



1 ~~the imposition of any administrative fines and costs or~~
2 ~~attorney's fees and costs under this section.~~

3 ~~(d) This section shall apply to the following vessels when~~
4 ~~fishing outside the territorial waters of the State:~~

5 ~~(1) Vessels that hold a fishing license or permit issued~~
6 ~~by the State as a prerequisite to participation in the~~
7 ~~fishery, or that have owners or captains who hold a~~
8 ~~fishing license or permit issued by the State as a~~
9 ~~prerequisite to participation in the fishery;~~

10 ~~(2) Vessels that are registered under section 200-31, or~~

11 ~~(3) Vessels with federal documentation that lists as a~~
12 ~~homeport a location within the State;~~

13 ~~provided that the enforcement of this section on these vessels~~
14 ~~outside the territorial waters of the State shall not apply if~~
15 ~~enforcement of this section is in violation of, or in conflict~~
16 ~~with, federal law.~~

17 ~~(e) Notwithstanding anything to the contrary, this section~~
18 ~~shall apply only to vessels that off load cargo in the State or~~
19 ~~its territorial waters.~~

20 ~~(f) As used in this section:~~

21 ~~"Land" or "landed" means when the shark or any part thereof~~
22 ~~is first brought to shore.~~



1 ~~"Shark fin" means the raw or dried fin of a shark with the~~
2 ~~shark carcass removed.~~

3 ~~"Whole" means the entire shark with its head and flesh~~
4 ~~intact, allowing for the removal of the blood, internal organs,~~
5 ~~and tail at sea."]~~

6 SECTION 4. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2010.

12



Report Title:

Possession, Sale, and Distribution of Shark Fins

Description:

Prohibits the possession, sale, and distribution of shark fins in the State; repeals the ban on the practice of shark finning.
(CD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.





Honduras

September 22, 2010

President Porfirio Lobo Sosa of Honduras and President Johnson Toribiong of Palau challenge the world to establish more shark sanctuaries while at the United Nations. In February 2010, Honduras declared a full moratorium on shark fishing in its exclusive economic zone.

United Nations

New York, United States



JOINT DECLARATION OF THE PRESIDENTS OF PALAU AND HONDURAS

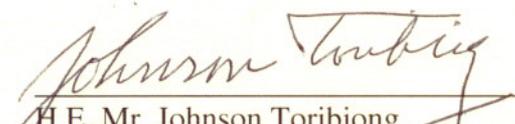
In this past year, our Countries have declared our waters shark sanctuaries (havens). In the waters of Honduras and Palau, sharks are now protected from being commercially fished and are free to live and reproduce undisturbed in this area of almost one million square kilometers. As Heads of State, we have taken this step because of the dire situation sharks are currently in, and because we believe it is in the long-term interest of our Countries to have healthy ocean ecosystems, which is not possible without healthy shark populations. Studies have shown that large predatory fish have declined by over 90% in the past 50 years. We understand that up to 73 million sharks are removed annually from the ocean for their fins. This cannot continue.

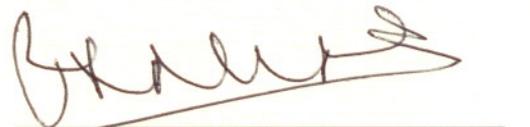
We are concerned about the disappearance of sharks given their vital role in maintaining biodiversity in the marine ecosystem. Scientists tell us that sharks cull the sick and help ensure that diseases do not spread, and that sharks keep the entire marine food web in balance. Scientists have even linked sharks to healthy marine habitat like coral reefs and sea grass beds. Ocean biodiversity has evolved over the last 400 million years with sharks playing a critical role in keeping the balance, yet we are now upsetting this balance and leaving a poor legacy for our children and grandchildren.

In addition to the role of sharks in healthy ecosystems, sharks are also a critical part of our economic development. A live shark is worth far more than a dead shark. An FAO study in one country concluded that in a popular dive spot, a single reef shark has a renewable value of over \$33,000 a year. The same shark brings \$32 to a fisherman, and only once. Our sustainable development relies in large part on marine tourism and is inextricably linked with healthy reefs and the ability of tourists to see large species such as sharks.

We cannot stand idly by while sharks are eradicated. Through the General Assembly, all the countries of the world have acknowledged the importance of the precautionary principle and the ecosystem approach to fisheries management, and the conservation of marine life. We agree wholeheartedly with these standards. This is why we have chosen to protect the sharks in our waters. In this, the International Year of Biodiversity, we encourage other countries to join us.

New York, New York, 22 September 2010


H.E. Mr. Johnson Toribiong
President of the Republic of Palau


H.E. Mr. Porfirio Lobo Sosa
President of the Republic of Honduras

República de Honduras, C.A.

Tegucigalpa, M.D.C. 05 ENE. 2010

EL SECRETARIO DE ESTADO EN LOS DESPACHOS DE AGRICULTURA Y GANADERIA.

CONSIDERANDO: Que es de utilidad y necesidad pública, el aprovechamiento sostenible de los recursos pesqueros y acuícolas del Estado de Honduras.

CONSIDERANDO: Que la Ordenación Pesquera debe fomentar el mantenimiento de la calidad, la diversidad y disponibilidad de los recursos pesqueros en forma sostenible a largo plazo en el contexto de la seguridad alimentaria, la generación de empleo y divisas para el país.

CONSIDERANDO: Que las medidas de ordenación van orientadas a asegurar la conservación no sólo de las especies objetivo, sino también de aquellas especies pertenecientes al mismo ecosistema, las dependientes de ellas o las asociadas con ellas.

CONSIDERANDO: Que la Secretaría de Estado en los Despachos de Agricultura y Ganadería a través de la Dirección General de Pesca y Acuicultura (DIGEPESCA), es la autoridad superior en materia de pesca y sus conexos, facultada para adoptar medidas de ordenación para el aprovechamiento sostenible de los recursos pesqueros y acuícolas del Estado.

CONSIDERANDO: Que el establecimiento de periodos de veda tiene como finalidad proteger el periodo de mayor reproducción natural del ciclo de las especies en la que los individuos se han reproducido al menos una vez, pasando a formar parte de la porción aprovechable para algunos recursos.

CONSIDERANDO: Que Honduras es parte firmante de la FAO, de la Convención Sobre el Derecho del Mar (CONVEMAR) y Cumplimiento de las Medidas Internacionales de Conservación y Ordenación de los Buques Pesqueros en Alta Mar, según la Resolución No. 15/93 párrafo 3 de la Conferencia de la FAO.

CONSIDERANDO: Que de acuerdo al Código de Conducta para la Pesca Responsable de la FAO, el uso del Criterio de Precaución faculta a los Estados a su aplicación con fines de conservación, ordenación y explotación de las poblaciones de peces transzonales y las poblaciones de peces altamente migratorios a fin de proteger los recursos marinos.

CONSIDERANDO: Que ha entrado en vigencia a partir de 1 de julio del 2009 el Reglamento Regional para el Ordenamiento de la Pesquería de Langosta del Caribe (*Panulirus argus*) en la Región Centroamericana, que incluye la armonización de la veda para este recurso y que es de carácter vinculante para los Estados pertenecientes al SICA-OSPESCA.

POR TANTO:

En uso de sus facultades y en aplicación de los Artículos 255 y 340 de la Constitución de la República; 36, numeral 8, 116, 118, 119, numeral 3, y 122 de la Ley General de la Administración Pública; 32 y 33 de la Ley de Procedimiento Administrativo; 3, 5, numeral 4 de la Ley General de Pesca Vigente y otras leyes conexas.



República de Honduras, C.A.

Tegucigalpa, M.D.C. 05 ENE. 2010

ACUERDA:

PRIMERO: Declarar veda para los recursos siguientes: Langosta Espinosa *Panulirus argus*; Camarón Blanco *Litopenaeus schmitti*, Camarón Café *Farfantepenaeus aztecus*; Camarón Rosado *Farfantepenaeus duorarum*; Concha Reina *Cassis madagascariensis*; Caracol Gigante *Strombus gigas*; y todas las especies de tiburones existentes en aguas jurisdiccionales hondureñas.

SEGUNDO: Que las embarcaciones pesqueras deberán zarpar a las 00:00 horas, el día de inicio de las operaciones pesqueras y deberán atracar con todo su equipo de pesca antes de las 23:59 horas, el día de cierre de las operaciones pesqueras.

TERCERO: Que desde la fecha de inicio del período de veda, hasta la fecha de cierre, ninguna embarcación artesanal o industrial deberá ejercer actividad alguna relacionada con operaciones pesqueras en el mar para la captura de las especies vedadas. Todas las embarcaciones pesqueras y su equipo deberán ser inspeccionadas por empleados de la DIGEPESCA, a fin de verificar el cumplimiento de las regulaciones legales establecidas.

CUARTO: Que los Inspectores de Pesca, además de inspeccionar las embarcaciones pesqueras, las empacadoras, y los puertos de desembarque, también tendrán que inspeccionar los talleres de construcción de nasas, a fin de constatar que estas reúnen los requisitos establecidos en el Reglamento de Ley.

QUINTO: Declarar como periodo de veda de langosta espinosa *Panulirus argus*, el comprendido desde las 00:00 horas del día 1º de marzo a las 23:59 horas del día 30 de junio del 2010.

SEXTO: Declarar como periodo de veda de camarón blanco *Litopenaeus schmitti*, camarón café *Farfantepenaeus aztecus* y camarón rosado *F. duorarum*, el comprendido desde las 00:00 horas del día 1º de marzo del 2010, quedando la fecha de apertura para la pesca, condicionada a los resultados de los muestreos biológicos que serán realizados durante la segunda quincena del mes de junio 2010 por biólogos de la DIGEPESCA.

SEPTIMO: Declarar como periodo de veda de la Concha Reina *Cassis madagascariensis*, el comprendido desde las 00:00 horas del día 1º de septiembre del 2010 hasta las 23:59 horas del 31 de marzo del 2011.

OCTAVO: Mantener la veda indefinida para el Caracol Gigante *Strombus gigas*. Las condiciones y regulaciones de la investigación científica que realiza el Gobierno como base para la suspensión de la moratoria internacional a las exportaciones declarada por la convención CITES, serán estipuladas en un Acuerdo Especial.

NOVENO: Se declara una veda indefinida para la pesca de todas las especies de tiburones en las aguas jurisdiccionales de la República de Honduras quedando terminantemente prohibidas su captura, comercialización y exportación, así como sus partes y derivados (aleta, carne, cuero, piel, aceite, etc.). El Estado establecerá posteriormente las Regulaciones y medidas necesarias para el aprovechamiento sostenible de la actividad.

República de Honduras, C.A.

Tegucigalpa, M.D.C. 05 ENF 2010

DECIMO: Requerimientos que se deberán cumplir para la pesca de langosta:

- a) Se utilizarán por período de pesca, un número máximo de dos mil quinientas (2,500) nasas por barco.
- b) Las nasas para su uso deberán tener al menos una rejilla de escape, en dos de sus lados opuestos del cabo que levanta la nasa, con una abertura mínima de escape, con una abertura mínima de 2 1/8 pulgadas (2.125 plg ó 5.4 cm) entre el fondo y la primera regla inmediata superior al piso de la misma a efecto de garantizar la salida de langostas juveniles de las nasas.
- c) Las nasas, deberán ser colocadas durante el periodo viaje de pesca correspondiente y levantadas y llevadas con el cemento a puerto al final de cada viaje.
- d) Para el traslado de nasas por el barco nodriza a las áreas de pesca de langosta, previamente deberán notificar al Inspector de Pesca para que este proceda a cotejar el inventario y si son nasas para reponer durante el periodo de pesca, previamente deberán traer las nasas deterioradas a Puerto junto con sus cementos, para poder autorizarles el traslado de nuevas nasas.
- e) Las nasas deberán ser fabricadas de madera con materiales biodegradables.
- f) Las embarcaciones que pescan por buceo deberán llevar un número máximo de treinta y cinco buzos.
- g) La autoridad de pesca podrá autorizar el retiro de nasas que se encuentren caladas una vez iniciada la veda, únicamente cuando se realice con un Inspector a bordo que garantice la devolución al mar del producto capturado.
- h) Los armadores, capitanes y pescadores industriales buzos estarán sujetos al cumplimiento del Reglamento de Seguridad y Salud Ocupacional de la Pesca Submarina, emitido mediante Acuerdo Ejecutivo No.STSS-116-01 de fecha 30 de mayo del 2001.
- i) Para efecto de captura y acopio se establece que la talla de captura de langosta será de 5.5 pulgadas de longitud de cola, equivalente a 14 cm o 140 mm de longitud de cola medida desde el primer segmento abdominal a la parte terminal del telson. Para fines de empaque y comercialización se establece un peso promedio de cinco onzas por cada unidad de empaque comercial con un rango de 4.5 a 5.5 onzas de cola de langosta descongelada. Todas las embarcaciones langosteras (nasa y buzo) deberán llevar a bordo y hacer uso de los calibradores para la medida mínima de langosta.
- j) Queda terminantemente prohibida la captura, tenencia y comercialización de langostas que se encuentren en fase reproductiva, frezadas, con espermateca o en muda, así como aquellas cuyos huevos hayan sido removidos de la cola.
- k) Queda terminantemente prohibida la comercialización de carne de la cola de la langosta sin caparazón, así como la carne molida de langosta.
- l) Queda terminantemente prohibida la captura, tenencia y comercialización de colas de langosta inferior a la talla mínima legal o langosta ovada.

República de Honduras, C.A.

Tegucigalpa, M.D.C. 05 ENE. 2010

- m) Los armadores o capitanes de barcos langosteros al finalizar el periodo de pesca y previo al atraque de los barcos en Puerto, deberán notificar su llegada al Inspector de Pesca a fin de que este proceda a realizar el inventario de los aperos que vengan a bordo.

DECIMO PRIMERO: Requerimientos que se deberán cumplir para la pesca de camarón

- a) Toda embarcación industrial camaronera deberá tener instalado previo al zarpe y durante el periodo de pesca el dispositivo excluidor de tortugas marinas (TED) en todas las redes de arrastre y únicamente se permitirá el uso del TED duro (Hard TED) y el TED de barra plana;
- b) Queda terminantemente prohibido ejercer la pesca industrial de camarón en los estuarios como bahías, desembocaduras de los ríos y lagunas costeras, y dentro de las tres millas propias para la pesca artesanal.

DECIMO SEGUNDO: Requerimientos que se deberán cumplir para la pesca de concha reina *Cassia madagascariensis*

- a) La cuota de captura y exportación para el año 2010, será de seis mil (6,000) ejemplares de concha reina;
- b) Las solicitudes para la explotación de Concha Reina, deberán presentarse a más tardar el día 30 de marzo del 2010;
- c) Toda embarcación que sea utilizada para el aprovechamiento de Concha Reina deberá contar con el permiso correspondiente extendido por la Secretaría de Agricultura y Ganadería;
- d) Los capitanes quedan obligados a llevar un Inspector de Pesca a bordo durante la faena de captura de la especie;
- e) Únicamente deberán ser capturados individuos adultos, de labio grueso y con capa oscura intermedia en la parte dorsal de la concha, y con una longitud total no menor de quince (15) centímetros.
- f) Queda terminantemente prohibido capturar otras especies diferentes a la concha reina y especies vedadas.

DECIMO TERCERO: Toda embarcación pesquera previo al zarpe otorgado por la Marina Mercante Nacional deberá contar con su respectiva Licencia de pesca como único documento válido para realizar dichas actividades.

DECIMO CUARTO: Toda persona natural o jurídica que comercialice, almacene y transporte especies vedadas capturadas dentro de las fechas establecidas en el presente Acuerdo, además de aplicársele la multa, se le suspenderá, en su caso, la Licencia de Pesca o su Permiso de Comercialización por el término de una temporada pesquera.

DECIMO QUINTO: Cinco (5) días antes del inicio de la veda respectiva, los Inspectores de las Oficinas Regionales de la DIGEPESCA deberán levantar un inventario del



SECRETARÍA DE ESTADO
EN LOS DESPACHOS DE
AGRICULTURA Y GANADERÍA

002-2010
ACUERDO No.

República de Honduras, C.A.

Tegucigalpa, M.D.C. 05 ENE. 2010

producto almacenado en los cuartos fríos de plantas empacadoras y demás negocios que comercialicen productos pesqueros. Únicamente los productos bajo inventario y reportados podrán ser comercializados, los infractores de esta disposición, quedarán sujetos a las sanciones estipuladas en la Ley General de Pesca y su Reglamento.

DECIMO SEXTO: La DIGEPESCA, de forma conjunta con la Fuerza Naval de Honduras realizará patrullajes para el control y fiscalización durante el periodo de pesca así como de veda.

DECIMO SEPTIMO: Queda derogado en todas y cada una de sus partes el Acuerdo Número 003-09 del 23 de enero del 2009.

DECIMO OCTAVO: Hacer las transcripciones de Ley.

DECIMO NOVENO: El presente Acuerdo es de ejecución inmediata y deberá ser publicado en el Diario Oficial La Gaceta.

COMUNIQUESE:



HECTOR HERNANDEZ AMADOR
SECRETARIO DE ESTADO EN LOS DESPACHOS DE AGRICULTURA Y GANADERIA

BERTA MIREYA HERNANDEZ
SECRETARIA GENERAL



Mariana Islands

January 27, 2011

Honorable Benigno R. Fitial (right), governor of the Commonwealth of the Northern Mariana Islands (CNMI), signed H.B. 17-94, banning the possession, sale, and distribution of shark fins in CNMI, the first action of its kind for a United States territory. The law forbids the landing of sharks at all ports within the archipelago, the strongest legal protection they can grant to sharks within their waters, and coupled with the U.S. Shark Conservation Act, bans retention of all sharks in CNMI waters.

Saipan, Northern Mariana Islands



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

012711

The Honorable Eliceo D. Cabrera
Speaker, House of Representatives
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Paul A. Manglona
Senate President
Seventeenth Northern Mariana
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

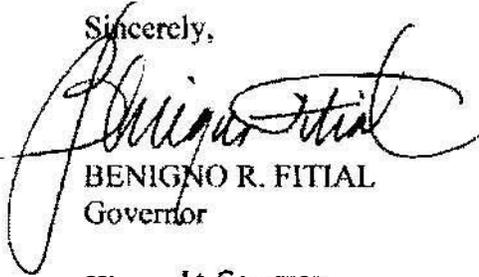
This is to inform you that I have signed into law H.B. 17-94, HD1, SD1, entitled, "To prohibit any person from possessing, selling, offering for sale, trading or distributing shark fins in the CNMI," which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

I commend the Legislature for its proactive measures to prevent the destruction of the shark population. Sharks are now some of the ocean's most vulnerable and in some cases most depleted species. Having played a key role in maintaining the health of marine ecosystems for some 400 million years, in the span of single human lifetime, 30% of sharks are now threatened with worldwide extinction. Upwards of 73 million sharks are killed annually to support the global shark fin trade. Sharks are slow growing, reach sexual maturity late, produce few offspring, and their populations have not been able to keep up with the onslaught of fishermen targeting their fins for use in shark fin soup.

Therefore, it is with great pleasure that I have signed into law H.B. 17-94, HD1, SD1 to prohibit shark finning.

This bill becomes Public Law No. 17-27. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Benigno R. Fitial", written in a cursive style.

BENIGNO R. FITIAL
Governor

cc: Lt. Governor
Press Secretary
DEQ
CRM
DLNR
MINA
All Departments and Agencies
SAPLR



House of Representatives

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586

SAIPAN, MP 96950

January 18, 2011

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith for your action **H. B. 17-94, HD1, SD1**, entitled: "To prohibit any person from possessing, selling, offering for sale, trading, or distributing shark fins in the CNMI.", which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

Sincerely yours,


Linda B. Múña
House Clerk

Attachment



*Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

Sixth Special Session

July 22, 2010

Representative Diego T. Benavente, of Saipan, Precinct 1 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. 17-94

AN ACT

To prohibit any person from possessing, selling, offering for sale, trading, or distributing shark fins in the CNMI.

The Bill was referred to the House Committee on Natural Resources, which submitted Standing Committee Report 17-37.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, NOVEMBER 17, 2010;**
with amendments in the form of H. B. 17-94, HD1 and transmitted to the
THE SENATE.

The Bill was not referred to a Senate Committee
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 30, 2010;
with amendments in the form of H. B. 17-94, HD1, SD1.

H. B. 17-94, HD1, SD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON JANUARY 4, 2011.

**THE HOUSE OF REPRESENTATIVES ACCEPTED THE SENATE AMENDMENTS AND PASSED H. B. 17-94,
HD1, SD1 DURING ITS 1ST DAY, THIRD REGULAR SESSION ON JANUARY 10, 2011.**

A handwritten signature in black ink, appearing to read "Linda B. Mufia".

Linda B. Mufia, House Clerk



*Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, THIRD REGULAR SESSION

JANUARY 10, 2011

H. B. 17-94, HD1, SD1

AN ACT

**TO PROHIBIT ANY PERSON FROM POSSESSING, SELLING,
OFFERING FOR SALE, TRADING, OR DISTRIBUTING
SHARK FINS IN THE CNMI.**

**Be it enacted by the Seventeenth Northern Marianas
Commonwealth Legislature:**

1 **Section 1. Findings.** The Commonwealth Legislature finds that sharks
2 are one of the top predators in the marine food chain and play an important role in
3 our ocean's ecosystem. Sharks have characteristics that make them more
4 vulnerable to overfishing than most fish, and data from state, federal, and
5 international agencies show a decline in the shark populations worldwide. Unlike
6 other fish species, most sharks do not reach sexual maturity until seven to twelve
7 years of age and then only give birth to a small litter of young. Thus, sharks,
8 cannot rebuild their populations quickly once they are overfished.

9 The practice of shark finning, where a shark is caught, the fin is cut off,
10 and the shark is returned to the water, causes tens of millions of sharks to die a

1 slow death each year, some sharks starve to death, others are slowly eaten by
2 other fish, and some drown because most sharks need to keep moving to force
3 water through their gills for oxygen. Sharks are an essential element of the
4 ocean's ecosystem, and by reducing the demand for shark fins, the
5 Commonwealth can help ensure that sharks will not become extinct.

6 The Legislature also finds that the taking of sharks for subsistence
7 purposes is a longstanding tradition. Moreover, the Legislature recognizes that
8 incidental catching of sharks can be unavoidable. This Act is intended to address
9 the harvesting of sharks for commercial purposes only.

10 **Section 2. Enactment.** Subject to codification by the Law Revision
11 Commission, the following new provisions are hereby enacted:

12 "Section 101. Shark Fin Prohibition.

13 (a) It shall be unlawful for any person to possess, sell, offer
14 for sale, trade, or distribute shark fins in the CNMI. Restaurants in
15 possession of shark fins which are prepared for consumption upon
16 the enactment of this Act, may sell or offer for sale such shark fins
17 for a period of 90 days after the enactment of this Act.

18 (b) Notwithstanding subsection (a), any person with a valid
19 license or permit issued by the Department of Lands and Natural
20 Resources to conduct research and who possesses shark fins shall
21 not be subject to the penalties in this Act.

PUBLIC LAW NO. 17-27
HOUSE BILL 17-94, HD1, SD1

1 (c) Notwithstanding subsection (a), a person in possession
2 of a shark for subsistence purposes, (non-commercial) only shall
3 not be subject to the penalties in this Act.

4 (d) Pursuant to this Act, DLNR and DPS shall have
5 concurrent jurisdiction to enforce, investigate and request the
6 assistance of the Office of the Attorney General. Upon request the
7 Office of the Attorney General may pursue either civil or criminal
8 action to enforce this Act.

9 (e) Any person found in violation of this Act shall be fined
10 not less than \$5,000 but not more than \$30,000 and/or imprisoned
11 for not more than six (6) months.

12 (f) Any person found in violation of this Act on their third
13 or subsequent offense shall be assessed a fine of not less than
14 \$10,000 and a minimum imprisonment of 15 days.

15 (g) Any item seized pursuant to enforcement of this Act
16 and its regulations shall be held by any person authorized by
17 DLNR pending disposition of civil or criminal proceedings, or the
18 institution of an action *in rem* for the forfeiture of such item,
19 except that after Notice and Public hearing DLNR, in lieu of
20 holding such item, permit the owner, consignee, or other
21 responsible person to post a bond or other surety satisfactory to
22 DLNR.

PUBLIC LAW NO. 17-27
HOUSE BILL 17-94, HD1, SD1

1 (h) In addition to any penalties imposed under subsection
2 (e) or (f), any person violating this Act or any rule adopted under it
3 shall be subject to any other penalties authorized by 2 CMC §
4 5109, and may be assessed administrative fees and cost and
5 attorney's fees and costs.

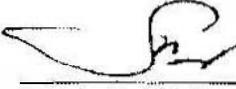
6 (i) The Department of Lands and Natural Resources may
7 adopt rules and regulations pursuant to the Administrative
8 Procedure Act necessary for the purposes of this Act.

9 (j) For the purpose of this Act, "shark fin" means the raw or
10 dried fin or tail of a shark."

11 **Section 3. Severability.** If any provisions of this Act or the application
12 of any such provision to any person or circumstance should be held invalid by a
13 court of competent jurisdiction, the remainder of this Act or the application of its
14 provisions to persons or circumstances other than those to which it is held invalid
15 shall not be affected thereby.

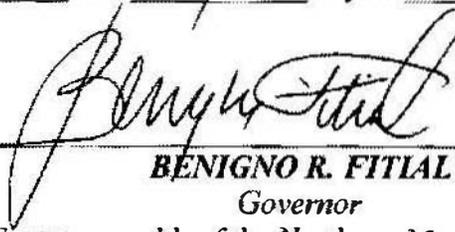
16 **Section 4. Savings Clause.** This Act and any repealer contained herein
17 shall not be construed as affecting any existing right acquired under contract or
18 acquired under statutes repealed or under any rule, regulation, or order adopted
19 under the statutes. Repealers contained in this Act shall not affect any proceeding
20 instituted under or pursuant to prior law. The enactment of the Act shall not have
21 the effect of terminating, or in any way modifying, any liability, civil or criminal,
22 which shall already be in existence on the date this Act becomes effective.

1 Section 5. **Effective Date.** This Act shall take effect upon its approval by
2 the Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
ELICEO D. CABRERA, SPEAKER

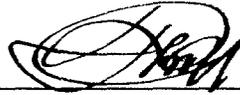
APPROVED this 57th day of JANUARY, 2011


BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 44-31 (COR)**, "AN ACT TO **AMEND §§ 63101 AND 63129, AND TO ADD NEW §§ 63114.1, 63114.2, 63114.3, 63114.4 AND 63114.5, ALL OF ARTICLE 1, CHAPTER 63 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE POSSESSION, SELLING, OFFERING FOR SALE, TRADING, OR DISTRIBUTION OF SHARK FINS, RAYS AND RAY PARTS**", was on the 24th day of February, 2011, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

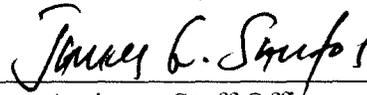
Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 25th day of Feb, 2011, at

7:14 o'clock 7.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Police Sgt 1 EIS

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) Regular Session

Bill No. 44-31 (COR)

As substituted by the Committee on Rules,
Federal, Foreign & Micronesian Affairs,
and Human & Natural Resources,
and amended on the Floor.

Introduced by:

B. J.F. Cruz
R. J. Respicio
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
Chris M. Duenas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§ 63101 AND 63129, AND TO *ADD*
NEW §§ 63114.1, 63114.2, 63114.3, 63114.4 AND 63114.5,
ALL OF ARTICLE 1, CHAPTER 63 OF TITLE 5, GUAM
CODE ANNOTATED, RELATIVE TO PROHIBITING
THE POSSESSION, SELLING, OFFERING FOR SALE,
TRADING, OR DISTRIBUTION OF SHARK FINS, RAYS
AND RAY PARTS.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

1 **Section 1. Definitions.** New items (x), (y), (z), (aa) and (bb) are hereby
2 *added* to §63101 of Article 1, Chapter 63 of Title 5, Guam Code Annotated, to
3 read as follows:

4 “(x) *Ray* is defined as animals in the Order Myliobatiformes,
5 including, but *not* limited to, Eagle Rays (*Aetobatus narinari*), Manta Rays
6 (*Manta birostris*) and Blue-spotted Rays (*Taeniura lymma*).

7 (y) *Shark* is defined as an animal commonly known as a shark and
8 includes all animals in the Orders Hexanchiformes, Pristiophoriformes,
9 Squatiniforms, Heterodontiformes, Orectolobiformes, Lamniformes and
10 Carcharhiniformes.

11 (z) *Shark Fin* is defined, for the purpose of this Act, as the fin or
12 tail of a shark that has been removed from the body.

13 (aa) *Ray Part* is defined as any part of a ray.

14 (bb) *Shark Finning* is defined as the taking of a shark, removing the
15 fin or fins (whether or not including the tail) of a shark, and returning the
16 remainder of the shark to the sea.”

17 **Section 2. Shark Fins.** A new §63114.1 is hereby *added* to Article 1,
18 Chapter 63 of Title 5, Guam Code Annotated, to read:

19 “**§63114.1. Shark Fins.**

20 (a) It *shall* be unlawful for any person to possess, sale, offer for
21 sale, take, purchase, barter, transport, export, import, trade or distribute
22 shark fins in Guam.

23 Restaurants in possession of shark fins which are prepared for
24 consumption upon the enactment of this Act, may sell or offer for sale such
25 shark fins for a period of ninety (90) days after the enactment of this Act.

26 (b) Notwithstanding Subsection (a), any person with a valid license
27 or permit issued by the Director of the Department of Agriculture to conduct

1 research and who possesses shark fins *shall not* be held in violation of this
2 Act.

3 (c) Notwithstanding Subsection (a), a person in possession of a
4 shark for subsistence and traditional and cultural sharing purposes *shall not*
5 be held in violation of this Act.”

6 **Section 3. Ray Parts.** A new §63114.2 is hereby *added* to Article 1,
7 Chapter 63 of Title 5, Guam Code Annotated, to read:

8 **“§63114.2. Ray Parts.**

9 (a) It *shall* be unlawful for any person to possess, sale, offer for
10 sale, take, purchase, barter, transport, export, import, trade or distribute ray
11 parts in Guam.

12 (b) Notwithstanding Subsection (a), any person with a valid license
13 or permit issued by the Director of the Department of Agriculture to conduct
14 research and who possesses ray parts *shall not* be held in violation of this
15 Act. Research data and findings made pursuant to a license or permit shall
16 be reported to *I Maga’lahi* and *I Liheslatura* as a condition of the license or
17 permit.

18 (c) Notwithstanding Subsection (a), a person in possession of ray
19 parts for subsistence and traditional and cultural sharing purposes *shall not*
20 be held in violation of this Act.”

21 **Section 4. Shark Feeding Prohibited.** A new §63114.3 is hereby *added*
22 to Article 1, Chapter 63 of Title 5, Guam Code Annotated, to read:

23 **“§63114.3. Shark Feeding Prohibited.**

24 (a) It *shall* be unlawful for any person to conduct any activity
25 related to the feeding of sharks in Guam’s territorial marine waters.

26 (b) Persons engaged in the taking of marine life that results in
27 captured, injured, or dead fish being incidentally eaten by sharks *shall not* be

1 considered in violation of this Section; provided, that the purpose of the
2 taking of marine life is *not* the feeding of sharks.

3 (c) Chumming or feeding fish for the purpose of harvesting marine
4 species is permitted.

5 (d) As used in this Section:

6 *Commercial activity* means to engage in any action or to
7 attempt to engage in any action for compensation in any form. The
8 action or actions may include, but are *not* limited to, providing, or
9 attempting to provide, guide services, charters, tours, and
10 transportation to and from the location or locations for which such
11 services are provided.

12 *Compensation* means money, barter, trade, credit, and other
13 instruments of value, goods, and other forms of payment.

14 *Feeding* means the introduction of or an attempt to introduce
15 any food or other substance into the water to attract marine life for
16 any purpose other than to take the marine life.”

17 **Section 5. Rules and Regulations.** A new §63114.4 is hereby *added* to
18 Article 1, Chapter 63 of Title 5, Guam Code Annotated, to read:

19 **“§63114.4. Rules and Regulations.**

20 The Director of the Department of Agriculture *shall* develop rules and
21 regulations, in accordance with the Administrative Adjudication Act (AAA),
22 Title 5, Guam Code Annotated, Chapter 9, to carry out the provisions of this
23 Act. Such rules and regulations may be revisited annually for revision
24 through the AAA process.”

25 **Section 6. Consultation.** A new §63114.5 is hereby *added* to Article 1,
26 Chapter 63 of Title 5, Guam Code Annotated, to read:

27 **“§63114.5. Consultation.**

1 Every five (5) years this Act *shall* be reviewed by the Department of
2 Agriculture to determine if changes are necessary. In so doing, the
3 Department *shall* consult with the University of Guam Marine Laboratory,
4 the National Oceanic and Atmospheric Administration, local fishermen,
5 including the Guam Fishermen’s Co-Operative Association, the Marianas
6 Underwater Fishing Federation, and the Guam Organization of Salt Water
7 Anglers, to have local input to balance scientific data presented.

8 The report *shall* be forwarded to *I Liheslaturan Guåhan* thirty (30)
9 days after completion.”

10 **Section 7. Penalties.** §63129 of Article 1, Chapter 63 of Title 5, Guam
11 Code Annotated is hereby *amended* to read:

12 **“§63129. Penalty.**

13 (a) Any person violating §63104, §63105, §63106, §63107,
14 §63108, §63114.1 or §63114.2 of this Article is guilty of a felony punishable
15 by imprisonment of *not more than* five (5) years, or by a fine of *not less than*
16 Five Hundred Dollars (\$500), *nor more than* Five Thousand Dollars
17 (\$5,000), or by both, per violation.

18 (b) Any person violating §63114.3 of this Chapter or any rule
19 adopted thereunder *shall* be subject to:

20 (1) seizure and forfeiture of a commercial marine license,
21 vessel, or shark feeding equipment; and

22 (2) an administrative fine of *at least* Twenty-five Thousand
23 Dollars (\$25,000) per violation; *provided*, that the violator may be
24 assessed administrative fees and costs and attorneys fees and costs.

25 (c) Any person violating §§ 63606.1 or 63606.2 of this Chapter
26 *shall* be guilty of a felony, and upon conviction thereof may be imprisoned

1 for *not more than* five (5) years, or fined *not more than* One Hundred
2 Thousand Dollars (\$100,000), or both.

3 (d) A violation of any other provision of this Article or its
4 supporting regulations *shall* be guilty of a misdemeanor, and upon
5 conviction thereof, *shall* be punishable by a fine of *not less than* Fifty
6 Dollars (\$50), *nor more than* Five Hundred Dollars (\$500), or by
7 imprisonment of *not more than* ninety (90) days, or by both fine and
8 imprisonment. In addition, all pelagic drift nets or their components,
9 equipment for their manufacture, containers for such nets, fish or fish
10 products gathered through the use of a pelagic drift net, and all conveyances
11 including aircraft, vehicles and vessels used for their transport *shall* be
12 subject to forfeiture, and may be seized by an authorized government of
13 Guam official under process issued by the Superior Court, *except* that such
14 seizure without such process may be made when the seizure is incidental to
15 an arrest or a search pursuant to a search warrant, or as provided by § 63128
16 of this Article.”

17 **Section 8. Severability.** *If* any provision of this law or its application to
18 any person or circumstance is found to be invalid or contrary to Law, such
19 invalidity *shall not* affect other provisions or applications of this law which can be
20 given effect without the invalid provisions or application, and to this end the
21 provisions of this Law are severable.