



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 89-3

Temporary Closure of East Agana Bay to the Use of
Mechanized Vessels for the Protection of
Traditional Manahac Fishing Rights.

WHEREAS, the traditional taking of seasonal juvenile rabbitfish (manahac) is a highly anticipated and participated fishing event of Guam; and

WHEREAS, currently the daily use of mechanized vessels in the East Agana area interferes with this traditional event that occurs for only a few days during each year; and

WHEREAS, the cultural and social pleasures enjoyed by all involved in this fishery warrants protection for future resident enjoyment; and

WHEREAS, the expected runs occur during the 4th, 5th, and 10th lunar cycles of the year during the last quarter moon phase; and

WHEREAS, the extent of each run is usually for three days and seldom exceeds four days; and

WHEREAS, the Territorial Boating Act (10 GCA 69123) provides for the issuance of special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of Guam; and

WHEREAS, the Harbor and Navigation Regulation, Title 9 of the Administrative Rules and Regulations, Section 8100.1 has the stated purpose "...to establish rules and regulations governing vessels and their use in the waters of the territory of Guam, which will promote and attain:

- (1) the full use and enjoyment of the water of the territory of Guam;
- (2) the safety of persons and the protection of property as related to the use of such water;"
and

WHEREAS, Section 8105.15 of these regulations provides for the establishment of restricted areas where the operation of vessels is prohibited; and



WHEREAS, a Water Use Master Plan for East Agana Bay is currently being developed by the Bureau of Planning and other concerned agencies that will address user conflicts and propose regulations; and

WHEREAS, the Water Use Master Plan and implementing regulations will not be completed prior to the next anticipated manahac run; and


NOW, THEREFORE, I, FRANK F. BLAS, Acting Governor of Guam, by virtue of the authority vested in me by the Organic Act, as amended, do hereby approve and promulgate the following temporary regulations regarding the use of mechanized vessels in East Agana Bay during Manahac runs:

1. The reef flat area between Hospital Point and Paseo de Susana (East Agana Bay) shall be designated a restricted area under the provisions of Title 9 of the Administrative Rules and Regulations, Section 8105.15 during identified manahac runs.
2. The East Agana Bay shall be closed to the use of mechanized vessels upon notification to the public of an occurring Manahac run (juvenile rabbitfish) in this area by the Department of Agriculture, Division of Aquatic and Wildlife Resources (DAWR). At this time DAWR shall post every half mile of shoreline with signs identifying the area as temporarily closed to the use of mechanized vessels. The DAWR shall also notify the media via press release of the temporary closure. The area will remain restricted until the DAWR determines that the run has been completed in the East Agana Bay. The closure signs shall then be removed, the media will be notified via press release, and this area will again be opened for mechanized vessels until further notification. If no Manahac appear during the designated expected run periods, this area will remain open to registered mechanized vessel users.
3. This restriction shall be enforced by the Guam Police Department, Conservation Officers of the Department of Agriculture, and other designated Peace Officers in accordance with 10 GCA 69128 and 9 AAR 8117-8117.9.
4. By January 31st of each year, the Department of Agriculture will publicly announce the predicted dates for expected Manahac runs. The predicted run dates will be provided for the users benefit but this does not limit the DAWR from closing this area in the event a Manahac run should occur at some unexpected time. Closures during any runs shall not exceed 4 days.

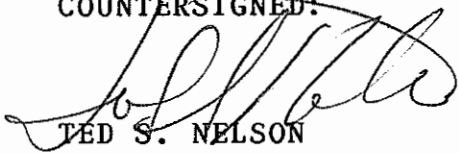


5. The regulations under this Executive Order will remain active until new regulations recommended in the completed Water Use Master Plan for East Agana Bay are established in accordance with the Administrative Adjudication Act.

SIGNED and PROMULGATED at Agana, Guam this 19th day
of January 1989.


FRANK F. BLAS
Governor of Guam, Acting

COUNTERSIGNED:


TED S. NELSON
Lieutenant Governor of Guam, Acting