



GOV. COMM: 23-02
(HOUSE)

Arnold I. Palacios
Governor

David M. Apatang
Lieutenant Governor

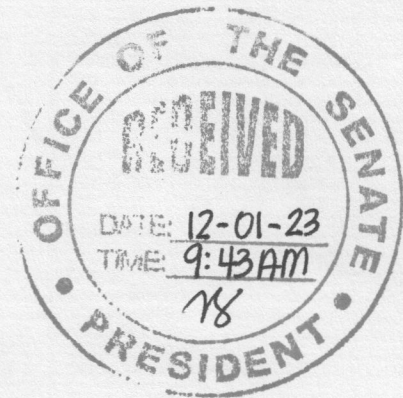
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

November 30, 2023

GOV2024-108

The Honorable Donald M. Manglona
Chairman
Rota Legislative Delegation
Twenty-Third Northern Marianas Commonwealth Legislature
Saipan, MP 96950

The Honorable Edith E. Deleon Guerrero
President
The Senate
Twenty-Third Northern Marianas Commonwealth Legislature
Saipan, MP 96950



Dear Mr. Chairman and Madame President:

This is to inform you that I have signed into law **Senate Local Bill No. 23-02**, entitled "To amend the prohibitions of certain activities within the Sabana Heights, Talakhaya and I Chenchon Park established under Rota Local Law 9-01, codified under 10 CMC § 1801," which was passed by the Rota Legislative Delegation of the Twenty-Third Northern Marianas Commonwealth Legislature.

The bill proposes to allow several projects Sabana Heights, Talakhaya and I Chenchon Park established under Rota Local Law 9-01, as amended by Rota Local Law 15-08, including *inter alia* installation of the DFEMS Rota Emergency Repeater System; a coffee project; and an organic farming project.

However, I note three concerns regarding future implementation of the Bill as enacted into law.

First, the DFEMS Rota Emergency Repeater System is not an exclusive Rota municipal project as it has a CNMI-wide impact. A Commonwealth law allowing the project would supersede the installation of the system within the locally-created conservation area.

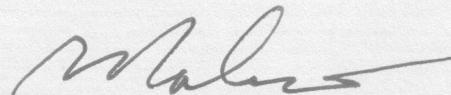
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Second, in addition to DLNR's authority to develop mitigating plans that would allow the developments, there are Commonwealth-wide laws and regulations that may further restrict project activities.

Third, the coffee and organic farming projects are not described in sufficient detail, which may create disputes over their size and scope.

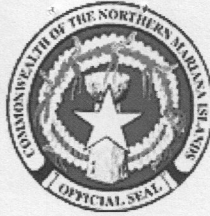
This Bill becomes **Rota Local Law 23-07**. Copies bearing my signature are forwarded for your reference.

Sincerely,



ARNOLD I. PALACIOS
GOVERNOR

cc: Lieutenant Governor
Attorney General
Commonwealth Law Revision Commission;
Public Auditor
Mayor of Rota
Secretary, Department of Lands & Natural Resources
Director, Fish and Wildlife
DLNR Rota
DFEMS Rota
Programs and Legislative Review Office



**ROTA LEGISLATIVE DELEGATION
FIRST SENATORIAL DISTRICT
TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND REGULAR SESSION, 2023**

SENATE LOCAL BILL NO. 23-02

**A LOCAL BILL FOR AN ACT
FOR THE FIRST SENATORIAL DISTRICT**

To amend the prohibitions of certain activities within the Sabana Heights, Talakhaya and I Chenchon Park established under Rota Local Law 9-01, codified under 10 CMC § 1801.

OFFERED BY

Senator Paul A. Manglona

Introduced on August 10, 2023

SENATE ACTION

Transmitted to Rota Legislative Delegation for action on

September 7, 2023

DELEGATION ACTION

Referred to:	None
Comments Solicited:	9/7/23: Mayor of Rota [Del. Matters 23-24] & 19 th Rota Municipal Council [Del. Matters 23-25]
Comments Received:	None
Standing Committee Report:	None
Passed First & Final Reading:	October 23, 2023

A handwritten signature in black ink, appearing to read "Frances", written over a horizontal line.

**Frances Joan P. Kaipat
Delegation Clerk**



**ROTA LEGISLATIVE DELEGATION
FIRST SENATORIAL DISTRICT
TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

SECOND REGULAR SESSION, 2023

S.L.B. NO. 23-02

**A LOCAL BILL FOR AN ACT
FOR THE FIRST SENATORIAL DISTRICT**

To amend the prohibitions of certain activities within the Sabana Heights, Talakhaya and I Chenchon Park established under Rota Local Law 9-01, codified under 10 CMC § 1801.

**BE IT ENACTED BY THE FIRST SENATORIAL DISTRICT DELEGATION PURSUANT TO
CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH CODE:**

1 **Section 1. Findings and Purpose.** The Rota Legislative Delegation (Delegation)
2 acknowledges that the intent of the Rota Local Law 9-01, which became law in October 1994, is
3 noble. The Delegation finds now, 16 years after the passage of the law, that the restrictions
4 provided in the law is too restrictive and practically strangles any important and necessary
5 municipal projects. Although the conservation area is important and the protection of the aquifer
6 is equally important, the Delegation also finds it is important to allow carefully-planned projects
7 to minimize the impact of the conservation area and the aquifer.

8 Accordingly, the purpose of this Act is to exempt certain projects within the conservation
9 area.

1 **Section 2. Amendment.** Title 10, Division 1, Chapter 8, Article 1, Section 1801, of the
2 Commonwealth Code is amended to read:

3 “§ 1801. Prohibitions.

4 (a) Except as provided in subsection (d), All a persons are hereby is prohibited from taking,
5 or in any way, harassing or disturbing, all varieties of non-game wildlife, including but not limited
6 to, fruit bats, Bridled White Eye, Marianas Crow, and other endangered species; all plant life,
7 including any fungi, forest vegetation or grasses, with the exception of those plants that possess
8 medicinal properties, ~~and/or~~ or those that have been used in traditional healing practices, ~~and/or~~ or
9 those that are being utilized through normal agricultural activities; and any soil, including soil,
10 sand or rock, within or from the areas in Rota known and referred to as Sabana Heights, Talakhaya
11 and I Chenchon Park, excluding private land and areas designated for homesteading purposes
12 (~~Exhibit A~~).

13 (b) For the purpose of this article, "taking" shall be given its common meaning and shall
14 include but not be limited to: hunting by any method, unless in the designated season; fishing by
15 any method; trapping by any method; and/or harvesting, logging ~~and/or~~ gathering by any method,
16 whether such act affects the entire plant form or any part thereof.

17 (c) For the purposes of this article, "harassing or disturbing" shall be given its common
18 meaning and shall include but not be limited to: darting, driving or herding the animals out of the
19 area by any means; destruction of nesting areas; excavation of surface ~~and~~ for the removal of any
20 type of soil or plant life; mining operations; ~~and/or~~ any other activities which result in the
21 disruption of normal patterns of behavior or growth of any wildlife within in the area or the

1 destruction of plant life or soil/rock/coral composition. Further, any activities, including
2 recreational, commercial, and agricultural activities, which are not specifically listed above and
3 that the ~~Director~~ Secretary of the Department of Lands and Natural Resources, in consultation with
4 the ~~Chief Director~~ Director of Fish and Wildlife and the Resident Director of the Department of Lands and
5 Natural Resources, deems to be detrimental to the aquifer within or adjacent to the Sabana Heights
6 area is hereby prohibited.

7 (d) The Secretary of the Department of Lands and Natural Resources, the Director of Fish
8 and Wildlife, and the Rota Resident Director of the Department of Land and Natural Resources,
9 shall develop plans and procedures to reasonably minimize the impacts on the plants, wildlife,
10 soil, rocks, landscape, and the aquifer, to allow the development of the following municipal
11 projects within the conservation area:

- 12 (1) Installation of the DFEMS- Rota Emergency Repeater System;
- 13 (2) DPS-Rota Shooting Range expansion and improvement;
- 14 (3) Mayor of Rota Freedom is Nature 360 Trail and Overlook;
- 15 (4) Coffee Project; and
- 16 (5) Organic farming.”

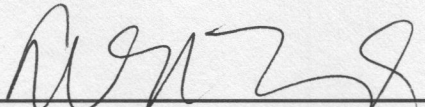
17 **Section 3. Severability.** If any provision of this Act or the application of any such
18 provision to any person or circumstance should be held invalid by a court of competent
19 jurisdiction, the remainder of this Act or the application of its provisions to persons or
20 circumstances other than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

21 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be

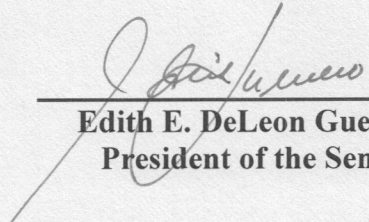
1 construed as affecting any existing right acquired under contract or acquired under statutes
 2 repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in
 3 this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment
 4 of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or
 5 criminal, which shall already be in existence on the date this Act becomes effective.

6 **Section 5. Effective Date.** This Act shall take effect upon its approval by the Governor
 7 or it becoming law without such approval.

CERTIFIED BY:

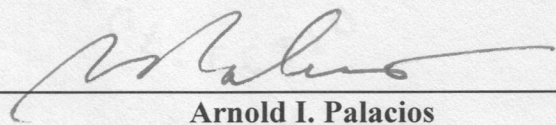


Donald M. Manglona
Chairman
Rota Legislative Delegation



Edith E. DeLeon Guerrero
President of the Senate

Approved this 30th day of November, 2023.



Arnold I. Palacios
Governor
Commonwealth of the Northern Mariana Islands