

THE SENATE Twenty-Third Northern Marianas Commonwealth Legislature P. O. Box 500129 Saipan, MP 96950

COPY

September 07, 2023

Senator Donald M. Manglona Chairman Rota Legislative Delegation 23<sup>rd</sup> Northern Marianas Commonwealth Legislature Saipan, MP 96950

Dear Chairman Manglona:

I have the honor to transmit for Delegation action S.L.B. 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."

S.L.B. No. 23-02 has met the required provision of 1 CMC §1403 making its third appearance on the 3<sup>rd</sup> Day, Second Regular Session, September 07, 2023.

Sincerely,

Dolores S. Bermudes

Senate Clerk

Attachments

cc: Delegation Clerk

Transmitted on:

Received by:

Date: 972301:00 pm

### TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

#### **SECOND REGULAR SESSION, 2023**

# S. L. B. <u>23-02</u>

# 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:

**Section 1.** <u>Findings and Purpose</u>. The Rota Legislative Delegation (Delegation) acknowledges that the intent of the Rota Local Law 9-01, which became law in October 1994, is noble. The Delegation finds now, 16 years after the passage of the law, that the restrictions provided in the law is too restrictive and practically strangles any important and necessary municipal projects. Although the conservation area is important and the protection of the aquifer is equally important, the Delegation also finds it is important to allow carefully-planned projects 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 conservation9 area.

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

12 "§ 1801. Prohibitions.

(a) Except as provided in subsection (d), All a persons are hereby is prohibited from
taking, or in any way, harassing or disturbing, all varieties of non-game wildlife, including but
not limited to, fruit bats, Bridled White Eye, Marianas Crow, and other endangered species; all
plant life, including any fungi, forest vegetation or grasses, with the exception of those plants

that possess medicinal properties, and/or or those that have been used in traditional healing practices, and/or or those that are being utilized through normal agricultural activities; and any soil, including soil, sand or rock, within or from the areas in Rota known and referred to as Sabana Heights, Talakhaya and I Chenchon Park, excluding private land and areas designated for homesteading purposes (Exhibit A).

6 (b) For the purpose of this article, "taking" shall be given its common meaning and shall 7 include but not be limited to: hunting by any method, unless in the designated season; fishing by 8 any method; trapping by any method; and/or harvesting, logging and/or gathering by any 9 method, whether such act affects the entire plant form or any part thereof.

10 (c) For the purposes of this article, "harassing or disturbing" shall be given its common 11 meaning and shall include but not be limited to: darting, driving or herding the animals out of the 12 area by any means; destruction of nesting areas; excavation of surface 4 and for the removal of 13 any type of soil or plant life; mining operations; and/or any other activities which result in the 14 disruption of normal patterns of behavior or growth of any wildlife within in the area or the 15 destruction of plant life or soil/rock/coral composition. Further, any activities, including 16 recreational, commercial, and agricultural activities, which are not specifically listed above and 17 that the Director Secretary of the Department of Lands and Natural Resources, in consultation 18 with the Chief Director of Fish and Wildlife and the Resident Director of the Department of 19 Lands and Natural Resources, deems to be detrimental to the aquifer within or adjacent to the 20 Sabana Heights area is hereby prohibited.

- (d) The Secretary of the Department of Lands and Natural Resources, the Director of
   Fish and Wildlife, and the Rota Resident Director of the Department of Land and Natural
   Resources, shall develop plans and procedures to reasonably minimize the impacts on the plants,
   wildlife, soil, rocks, landscape, and the aquifer, to allow the development of the following
   municipal projects within the conservation area:
   (1) Installation of the DFEMS- Rota Emergency Repeater System;
   (2) DPS-Rota Shooting Range expansion and improvement;
- 28 (3) Mayor of Rota Freedom is Nature 360 Trail and Overlook;

1	(4) Coffee Project; and
2	(5) Organic farming."
3	Section 3. <u>Severability</u> . If any provision of this Act or the application of any such
4	provision to any person or circumstance should be held invalid by a court of competent
5	jurisdiction, the remainder of this Act or the application of its provisions to persons or
6	circumstances other than those to which it is held invalid shall not be affected thereby.
7	Section 4. Savings Clause. This Act and any repealer contained herein shall not be
8	construed as affecting any existing right acquired under contract or acquired under statutes
9	repealed or under any rule, regulation or order adopted under the statutes. Repealers contained
10	in this Act shall not affect any proceeding instituted under or pursuant to prior law. The
11	enactment of the Act shall not have the effect of terminating, or in any way modifying, any
12	liability, civil or criminal, which shall already be in existence on the date this Act becomes
13	effective.
14	Section 5. Effective Date. This Act shall take effect upon its approval by the Governor

Section 5. <u>Effective Date</u>. This Act shall take effect upon its approval by the Governor
 or it becoming law without such approval.

Prefiled:

Date: <u>08/10/23</u>

Introduced By:/s/

Senator Paul A. Manglona

Reviewed for Legal Sufficiency by:

/s/ Antonette R. Villagomez Senate Legal Counsel