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

To amend the Sabana Wildlife Conservation Area to authorize Organic Farming to promote the Rota DLNR Agricultural Program.

**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.**

2 The Rota Legislative Delegation (Delegation) finds it necessary to promote agriculture on
3 Rota by utilizing the fertile soil at the Sabana Wildlife Conservation Area. The Delegation
4 however finds it very important to protect the organisms in the soil and, more importantly,
5 protect Rota's water resource. For these reasons, the Delegation finds that only organic farming
6 should be allowed in the conservation area.

7 Therefore, the purpose of this Act is to allow temporary use of the Sabana Farm Plots
8 strictly for organic farming.

9 **Section 2. Repeal and Reenact.** 10 CMC §§ 1801 and 1802 are repealed and reenacted
10 to read:

11 “§ 1801. Prohibitions. It is prohibited for any person to:

12 (a) Take, or in any way, harass or disturb all non-game wildlife, including but not limited
13 to, fruit bats, Bridled White Eye, Marianas Crow, and other endangered species;

14 (b) Take, or in any way, harass or disturb any plant life, including any fungi, forest
15 vegetation or grasses, except plants that possess medicinal properties and plants that are used in
16 traditional healing practices,

1 (c) Take any soil, including and rock, within or from the areas in Rota known and
2 referred to as Sabana Heights, Talakhaya and I Chenchon Park, excluding private land and areas
3 designated for homesteading purposes (Exhibit A).

4 (d) Except as provided in section 1802, any activities which the Secretary of the
5 Department of Natural Resources, in consultation with the Chief of Fish and Wildlife, and the
6 Rota Resident Director of the Department of Natural Resources, deems to be detrimental to the
7 aquifer within or adjacent to the Sabana Heights area is prohibited.

8 (e) For the purpose of this article, the term "take" shall be given its common meaning
9 and shall, include but not be limited to:

10 (1) Hunting by any method except during designated season;

11 (2) Fishing by any method;

12 (3) Trapping by any method; or

13 (4) Harvesting or gathering plants by any method, whether such act affects the
14 entire plant form or any part thereof.

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

21 § 1802. Organic Farming.

22 (a) The Secretary of the Department of Natural Resources, in consultation with the
23 Director of Fish and Wildlife, and the Rota Resident Department Head of the Department of
24 Natural Resources, may authorize organic farming permit at the appropriate area in the Sabana
25 Heights within the conservation area.

26 (b) Organic Farm temporary authorization shall be as follows:

27 (1) The Temporary Authorization (T.A.) shall be issued by the Department of
28 Lands and Natural Resources (DLNR), Rota, granting the temporary use of a certain

1 Sabana Organic Farm Plot, containing a land area of 10,000 square meters to a person to
2 cultivate temporary annual crops organically or naturally.

3 (2) The authorized person agrees that Rota's water quality must be protected
4 from contamination for the health and well-being of the Rota community and its visitors.

5 (3) The term of the authorization shall be a period of one year and renewable
6 annually upon compliance with all the terms and conditions provided in this Act.

7 (4) The term of the authorization for applicants engaged in the USDA Farm Bill
8 Programs through the Natural Resources Conservation Service Environmental Quality
9 Incentives Program (NRCS EQIP) shall be for a period of five (5) years beginning on the
10 date the T.A. is signed by Permittee and expiring five (5) years thereafter. A copy of the
11 approved NRCS EQIP contract must be attached to the application to avail of this five (5)
12 years permit term.

13 (5) The following terms shall also be adhered to:

14 (A) The authorized person, immediate family members, or legitimate
15 employees, shall be the sole users of the assigned farm plot.

16 (B) The authorized person shall not conduct unauthorized activity on the
17 farm plot other than cultivating temporary annual crops organically or naturally.

18 (C) The cultivation of cannabis is strictly prohibited, notwithstanding the
19 legalization of marijuana or hemp.

20 (D) The use of any form of herbicide, pesticide, insecticide, fungicide or
21 any forms thereof, including the use of chemical fertilizers, granular or water
22 soluble, are strictly prohibited.

23 (E) The authorization is not assignable or transferrable.

24 (F) Any and all forms of litter, waste products, or hazardous materials
25 shall not be discarded at the farm plot or any area within the conservation area.

26 (G) No used or new drums containing oil, tar or chemical residue shall be
27 Used for water catchment on the farm plot or any area within the conservation
28 area.

1 (H) No structures of any type or form shall be erected on the assigned
2 farm plot, except temporary shelters.

3 (I) No non-native plants or perennial tree species shall be planted except
4 for plants beneficial for soil and wildlife habitats as determined by DLNR.

5 (J) Burning is strictly prohibited.

6 § 1803. Inspection.

7 (a) The personnel of the Rota DLNR shall conduct an inspection of the assigned farm
8 plots at least once every four months to ensure compliance with all the terms provided in this
9 Act.

10 (b) The Rota DLNR may charge reasonable fees for inspections, organic farming
11 counseling services, and use of DLNR equipment.

12 § 1804. Enforcement.

13 The Secretary of the Department of Natural Resources, in consultation with the Director
14 of the Division of Fish and Wildlife and the Resident Department Head of the Department of
15 Natural Resources, is hereby charged with the enforcement of this article.

16 § 1805. Regulations.

17 The Rota DLNR, in consultation with the DLNR Secretary and the Director of the
18 Division of Fish and Wildlife, shall promulgate rules pertaining to the fees in accordance with
19 section 1803 and other necessary regulations to carry out the intent of this Act.”

20 **Section 3. Severability.**

21 If any provision of this Act or the application of any such provision to any person or
22 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this
23 Act or the application of its provisions to persons or circumstances other than those to which it is
24 held invalid shall not be affected thereby.

25 **Section 4. Savings Clause.**

26 This Act and any repealer contained herein shall not be construed as affecting any
27 existing right acquired under contract or acquired under statutes repealed or under any rule,
28 regulation or order adopted under the statutes. Repealers contained in this Act shall not affect

1 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not
2 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which
3 shall already be in existence on the date this Act becomes effective.

4 **Section 5. Effective Date.**

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

Prefiled:

Date: 6/19/2020

Introduced By: _____
Senator Teresita Santos

Reviewed for Legal Sufficiency by:

Senate Legal Counsel