



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

COPY

March 29, 2021

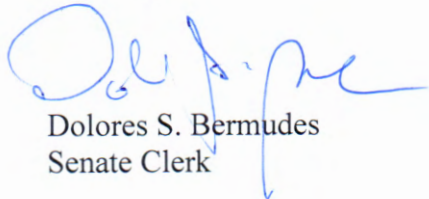
Members
Rota Legislative Delegation
First Senatorial District
Rota, MP 96951

Dear Members:

I have the honor to transmit for Delegation action S.L.B. No. 22-02, 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; and for other purposes."

S.L.B. No. 22-02 has met the required provision of 1 CMC §1403 making its third appearance on the 5th Day, First Regular Session, March 26, 2021.

Sincerely,



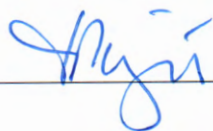
Dolores S. Bermudes
Senate Clerk

Attachments

cc: Delegation Clerk

Transmitted on:

Received by: _____



Date: _____

3/29/21 @ 11:15am

**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.

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

12 “§ 1801. Prohibitions.

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

1 that possess medicinal properties, ~~and/or~~ or those that have been used in traditional healing
2 practices, ~~and/or~~ or those that are being utilized through normal agricultural activities; and any
3 soil, including soil, sand or rock, within or from the areas in Rota known and referred to as
4 Sabana Heights, Talakhaya and I Chenchon Park, excluding private land and areas designated for
5 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 ~~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.

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

- 26 (1) Installation of the DFEMS- Rota Emergency Repeater System;
- 27 (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. Severability.**

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

8 **Section 4. Savings Clause.**

9 This Act and any repealer contained herein shall not be construed as affecting any
10 existing right acquired under contract or acquired under statutes repealed or under any rule,
11 regulation or order adopted under the statutes. Repealers contained in this Act shall not affect
12 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not
13 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which
14 shall already be in existence on the date this Act becomes effective.

15 **Section 5. Effective Date.**

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

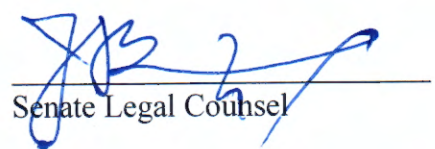
Prefiled:

Date: 2/25/21



Introduced By: _____
Senator Teresita Santos

Reviewed for Legal Sufficiency by:



Senate Legal Counsel