

TITLE 10: LOCAL LAWS
DIVISION 1: FIRST SENATORIAL DISTRICT (ROTA)

§ 1801. Prohibitions.

(a) All persons are hereby 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 those that have been used in traditional healing practices, and/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).

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

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

Source: Rota LL 9-1, § 2; amended by Rota LL 15-8, § 2, modified.

Commission Comment: Rota LL 9-1 took effect October 13, 1994. According to Rota LL 9-1, § 1:

Section 1. Findings. The Rota Legislative Delegation finds that a large variety of wildlife and forest vegetation exists within the Sabana Heights and I Chenchon Park area on Rota. The Delegation further finds that the conservation of such wildlife, including but not limited to coconut crabs, fruitbats and various species of birds, is of the utmost importance to not only the current residents and future generations, but also to the tourist industry which provides a substantial boost to the local economy. The Delegation further finds that the Local Law Act of 1983, [1 CMC § 1401 et seq.], defines a local bill as one that pertains exclusively to matters within one senatorial district and specifically lists conservation of wildlife, hunting and fishing matters as being included herein. Further, the Delegation finds that the Director of the Department of Natural Re-

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sources, in consultation with the Chief of Fish and Wildlife, is qualified to enforce conservationist restrictions as well as implement conservation techniques within the Sabana Heights area. Therefore, it is the purpose of this local bill to prohibit persons from engaging in certain activities within the Sabana Heights and I Chenchon Park area that may have an adverse impact on the wildlife and vegetation and to charge the Director of Natural Resources with the implementation and enforcement of such prohibitions.

With respect to the references to the “Director” of the Department of Natural Resources, the department itself, and the “Chief of Fish and Wildlife,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

The Commission designated subsections (a) through (c), which were not designated in the original. The Commission replaced “this bill” with “this article” and changed “act effect” to “act affects” to correct a manifest error in subsection (b) pursuant to 1 CMC § 3806.

Rota Local Law 15-8, effective January 3, 2008, contained severability and savings provisions and the following:

Section 1. Findings. The Rota Legislative Delegation finds that the Talakhaya area of Rota is an integral part of the Sabana watershed. The Delegation further finds that including Talakhaya in the conservation boundaries established by Rota Local Law 9-1 will provide increased protection of the area and allow government agencies to leverage conservation funds for restoration and revegetation activities. As a legally protected conservation area the site will be given higher priority and ensure the sustainability and health of the Talakhaya watershed.

Over the years the Talakhaya area has been subjected to repeated wildland fires intentionally set by poachers and hunters. These fires have decreased soil stability and led to extensive erosion in the Talakhaya watershed and riparian habitats. Moreover, runoff of these soils into the coastline below has had devastating effects on the health of the reefs and marine life in and around Apanon Beach. Therefore, it is the purpose of this local bill to include Talakhaya in the Rota Wildlife Conservation area so as to prohibit persons from engaging in certain activities that may have an adverse impact on the local environment.

Source: Rota LL 16-4, § 2(Art.2).