

TITLE 2: NATURAL RESOURCES
DIVISION 5: ANIMALS, PLANTS AND FOOD

§ 5803. General Provisions for Sambar Deer (Binado).

(a) A license to maintain captive deer (wild or domesticated from wild animals) is required. Licenses to maintain captive wildlife will be renewed on an annual basis and it is the responsibility of the permit holder to keep the license up to date.

(b) Permittee with a captive rearing license for deer may sell the meat or any part of such animals as long as a "certificate of origin" accompanies the sale. This certificate must include the name of the permittee, the captive rearing permit number, the date of sale, the name and address of the buyer, and the destination of the meat if it is to be transported off-island. One copy of the "certificate of origin" must accompany the buyer, the seller will retain one copy, and one copy must be filed with the Enforcement Section of DFW within 10 days of the transaction.

(c) Captive rearing permit holders may utilize meat and animal parts as a personal food source. For example, a captive rearing permit holder during mealtime may legally offer deer meat to guests. Such fare must be consumed on-premises and may not be transported off-island unless accompanied by a "certificate of origin".

(d) All captive deer and their progeny must be marked on the ear by the permit holder (the permittee will supply the marking device) and accurate records kept of births and deaths. The Enforcement Section of DFW will impound any unmarked captive animals. Records on captive animals may be inspected on demand by DFW Enforcement Officers, but in any case will be inspected once a year by DFW at the time of license renewal. Captive permit holders will be responsible for any expenses incurred to property if their captive animals escape (including costs of rehabilitating habitat damaged by released animals) and for the costs to DFW (including salaries, overtime and equipment) of recapturing the animals.

(e) Captive deer impounded by DFW Enforcement Officers will be humanely euthanized. Meat from such animals may be sold or distributed to the elderly (manamko) at the discretion of the Director. Money from the sale of such meat will be used to buy equipment useful to DFW Enforcement Officers at deer inspection stations and for keeping track of captive deer.

(f) Deer must be maintained in humane and clean holding facilities. Should holding pens be deemed inappropriate by DFW Enforcement Officers, the captive rearing permit will be revoked and must not be reissued until such time as the facility has been improved to meet minimum standards (see below). If improvements are not made within one month from the time the license is revoked, captive animals will be impounded by DFW.

(g) Holding/rearing facilities for captive deer must meet the following minimum standards (or the captive rearing permit will be revoked):

(1) a pen of at least 5 m on each side will be constructed for a single animal,

(2) for each additional deer in captivity (including progeny), 3 m on each side will be added to the pen (i.e., for 2 animals, the pen will measure 8 m on each side, for 3 animals the pen will measure 11 m on each side, etc.),

TITLE 2: NATURAL RESOURCES
DIVISION 5: ANIMALS, PLANTS AND FOOD

(3) pens will be constructed of materials with sufficient strength to withstand the destructive force of a typhoon,

(4) pens will be at least 2 m in height,

(5) holders of permits are responsible for the safety of their animals, therefore, pen gates will be secured in such a way as to prevent theft of or malicious mischief to the animals,

(6) holders of permits are responsible for the costs of damage to the environment and to property by escaped or released animals,

(7) permit holders will be given 5 working days to recapture animals that have been accidentally released, after that, escaped animals are subject to collection by DFW Enforcement Officers and the costs of capture will be borne by the permit holder.

(h) Sufficient fodder and water will be provided by the permit holder to maintain the captive animals in good health (natural fodder and water may need to be augmented by the permit holder). The health of the captive animals will be judged by inspection (e.g., physical appearance). DFW Enforcement Officers will perform regular inspections of both the physical state of captive animals and the state of the holding facility on at least an annual basis and prior to renewal of captive rearing license. DFW Enforcement Officers may be accompanied by a licensed veterinarian to help adjudge the health of captive animals.

(i) Purposeful release of captive deer, especially domesticated progeny, into the wild is prohibited. Penalties for purposeful release of captive animals will be imposed and set by the Director but will not exceed \$1,000 per animal. A person who has previously held a captive rearing permit and purposefully released animals into the wild will not be eligible to renew or obtain another permit.

Source: PL 17-23 § 5 (October 19, 2010), modified.

Commission Comment: The Commission changed capitalization pursuant to 1 CMC § 3806(f).