

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

SUBCHAPTER 30.4 MARIANA CROW CONSERVATION AREA

Part 001	General Provisions	§ 85-30.4-210 License; Tag; Certificate of Origin; Report Card	
§ 85-30.4-001	Authority and Purpose	§ 85-30.4-215 Inspection	
§ 85-30.4-005	Application and Scope	§ 85-30.4-220 Prohibited Activities	
§ 85-30.4-010	Definitions		
Part 100	Prohibitions	Part 300	Penalties
§ 85-30.4-101	Prohibited Conduct	§ 85-30.4-301	Penalties
Part 200	Special Hunting Season	Part 400	Miscellaneous Provisions
§ 85-30.4-201	Special Hunting Season	§ 85-30.4-401	Severability
§ 85-30.4-205	Hours		

Subchapter Authority: 1 CMC §§ 2653, 2654; 5 CMC §§ 5104, 5108.

Subchapter History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

Commission Comment: PL 1-8, tit. 1, ch. 13 (effective Aug. 10, 1978), formerly codified at 1 CMC §§ 2651, et seq., originally created a Department of Natural Resources within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 104:

Section 104. Department of Lands and Natural Resources.

The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In 1997, the Legislature passed the “Public Lands and Natural Resources Administration Act of 1997,” PL 10-57 (effective Apr. 18, 1997), codified as amended at 1 CMC §§ 2651, et seq. PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651, et seq., and statutorily established the Department of Lands and Natural Resources (DLNR) with the structure, duties and responsibilities set forth in the act. See 1 CMC § 2651 and the commission comment thereto. 1 CMC § 2654 authorizes the Department of Lands and Natural Resources to adopt rules and regulations in furtherance of its duties and responsibilities.

5 CMC § 5104 gives the Department of Lands and Natural Resources the authority to protect fish, game, and endangered species. 5 CMC § 5108 allows the Department to adopt regulations to protect endangered species.

Part 001 - General Provisions

§ 85-30.4-001 Authority and Purpose

(a) Authority. The regulations in this subchapter are promulgated under the authority

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

of 1 CMC §§ 2653(b) and 2654 providing the Department of Lands and Natural Resources with the authority to adopt rules and regulations in furtherance of its powers and duties, including the duty to protect fish, game, and endangered species. Pursuant to 5 CMC §§ 5104 and 5108, the Department has the exclusive authority and duty to protect fish, game, and endangered and threatened species, and may promulgate regulations to ensure the survival of endangered and threatened species.

(b) Purpose. The purpose of this subchapter is to establish regulations for the Mariana Crow Conservation Area (MCCA). The Mariana Crow (*Corvus kubaryi*) is designated as an endangered species under NMIAC § 85-30.1-101, and the MCCA was established as part of federal mitigation requirement. The regulations serve to insure appropriate use of the MCCA for the enjoyment and general welfare of the public while protecting the area in its natural state to serve as a refuge for native wildlife, with emphasis on the Mariana Crow.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

Commission Comment: The Commission corrected the capitalization of the word “federal” in subsection (b) pursuant to 1 CMC § 3806(f). The Commission added a period at the end of subsection (b) pursuant to 1 CMC § 3806(g).

§ 85-30.4-005 Application and Scope

(a) Geographic Area. The regulations codified in this subchapter shall apply to MCCA located in As Motmos to Papyapai, Rota. The specific area is Lot No. 682 R 01, containing an area of 4,440,000 square meters as depicted in Exhibit A.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

Commission Comment: Exhibit A was not included in the original regulation.

§ 85-30.4-010 Definitions

(a) Unless the context clearly indicates otherwise, the following definitions shall apply to the terms used in this subchapter:

- (1) “Department” means the Department of Lands and Natural Resources.
- (2) “Director” means the Director of Fish and Wildlife.
- (3) “Division” means the Division of Fish and Wildlife.
- (4) “MCCA” means the Mariana Crow Conservation Area.
- (5) “Secretary” means the Secretary of Lands and Natural Resources or his or her designee.
- (6) “Special hunting season” means the time period designated for hunting sambar deer within the MCCA as announced by the Secretary.
- (7) “Take” or “taking” means to capture, attempt to capture, harvest, kill, attempt to kill, hunt, trap, spear, collect, fish, pursue, harm, harass, remove, or in any manner disturb, or attempt to do the above activities.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Commission Comment: The Commission inserted a period at the end of subsection (a)(2) pursuant to 1 CMC § 3806(g).

Part 100 - Prohibitions

§ 85-30.4-101 Prohibited Conduct

- (a) A person may not take any variety of terrestrial wildlife, unless otherwise excepted through a permit issued under Part 200 of Subchapter 85-30.1.
- (b) A person may not take any variety of plant-life, unless otherwise excepted through a permit issued under Part 200 of Subchapter 85-30.1 or for use in traditional healing practices.
- (c) A person may not collect, remove, deface, or destroy any archaeological artifact or natural object.
- (d) A person may not create new trails within the MCCA.
 - (1) This prohibition shall not apply to the staff of the Department, the Division, and the United States Fish and Wildlife Service, who may create trails for law enforcement and monitoring of wildlife and their habitat.
 - (2) Existing trails in the MCCA shall remain open during the day (one-half hour before sunrise to one-half hour after sunset), but shall be closed at night.
- (e) A person may not create new roads within the MCCA.
- (f) A person may not operate motorized vehicles within the MCCA.
 - (1) This prohibition shall not apply to the existing unpaved road to the Pictograph Cave.
- (g) A person may not remove or disturb soil, sand, or rock.
- (h) A person may not dump rubbish, waste material, or any other substance that would degrade or alter the quality of the environment.
- (i) A person may not ignite or maintain an open fire.
- (j) No dogs, cats, goats, pigs, cattle, or domestic animals of any kind are permitted within the boundary of the MCCA.
- (k) Agricultural activities, including grazing of livestock and cultivation and/or harvest of any natural or cultivated crop, are prohibited.
- (l) Camping and overnight use are prohibited.
- (m) Alcoholic beverages and illegal drugs are prohibited.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

(n) A person may not collect, remove, deface, or destroy any fence, poster, sign, or other structure.

(o) A person may not engage in any form of nighttime activity in the MCCA.

(p) A person shall not remove or disturb any artifacts and/or ancient sites within the MCCA.

(1) The discovery of artifacts and/or ancient sites shall be immediately reported to the Commonwealth Historic Preservation Office.

(2) Violations of this subsection may be subject to additional penalties as provided in federal and Commonwealth law.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

Commission Comment: The Commission inserted a comma after the word “cattle,” inserted the word “are,” and inserted a period at the end of subsection (j) pursuant to 1 CMC § 3806(g).

Part 200 - Special Hunting Season

§ 85-30.4-201 Special Hunting Season

(a) Hunting within the MCCA is not allowed unless otherwise opened by a Special Hunting Season established by the Secretary of DLNR.

(b) To control the population of deer in the MCCA, the Secretary may announce a Special Hunting Season. The period of the Special Hunting Season shall be at a time when the Mariana Crows are not nesting.

(1) The Secretary shall issue a press release announcing the dates of the Special Hunting Season and publicize the Special Hunting Season through other means as he or she determines is necessary.

(2) A person may hunt sambar deer during the announced Special Hunting Season. A person may not hunt any other wildlife species during this Special Hunting Season.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

§ 85-30.4-205 Hours

(a) Hunting hours. Legal hunting hours for deer shall be from one-half hour before sunrise to one-half hour after sunset, and only during the Special Hunting Season. Hunting at night is strictly prohibited.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

§ 85-30.4-210 License; Tag; Certificate of Origin; Report Card

(a) Hunting license. A person must carry a valid CNMI hunting license while

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

hunting. A person may take deer only if that person has been issued a hunting license authorizing the taking of deer. Hunting licenses may be obtained from the local office of the Division of Fish and Wildlife, or from an authorized agent.

(1) Legal Hunting Age. The legal hunting age is sixteen years of age or older. Only persons who may legally possess firearms, bows, or crossbows may hunt game with firearms, bows, or crossbows. A valid gun registration number is required on the license of all hunters who intend to use firearms to take wildlife. Hunting licenses for persons under the age of eighteen years may be conditioned on successful completion of Department sponsored or sanctioned rifle or bow training programs.

(2) License Limits. The Secretary may set a limit on the number of licenses that may be issued in any given Special Hunting Season and shall include such limit in the announcement for the Special Hunting Season.

(b) Deer tag. Possession of an untagged or unregistered deer is prohibited. Every person issued a hunting license for the special season within the MCCA will also be issued a deer tag. If the hunter kills a deer, he or she must immediately (after gutting the deer) attach the tag to the carcass and bring it to the DFW designated check station and allow station staff to examine and take measurements of the deer.

(c) Certificate of Origin. A person in possession of a deer or any part of a deer must have a valid CNMI hunting license or a certificate of origin. A certificate of origin is a letter or statement signed by the valid CNMI license holder who killed the animal and which is certified by the Director, Resident Director, or Enforcement Section Supervisor.

(1) The certificate of origin must state:

(i) Species and sex of animal;

(ii) Date killed;

(iii) Hunting license number and date issued;

(iv) Person to whom given;

(v) Animal part and amount given, and be attached to the animal or animal part where it can be readily seen by a conservation officer, the Secretary, the Director, or the Resident Director.

(2) A hunter who takes a deer or any part of a deer to another CNMI island must obtain a certificate of origin from the check station staff, the Director, or the Resident Director, or the Enforcement Section Supervisor. The hunter must present the certificate of origin to custom or quarantine officials upon entering another CNMI island.

(d) Hunter Report Cards. A person issued a hunting license will also be issued a hunter report card. Hunters must provide all information required on the report card. Completed hunter report cards must be turned in to the Division within ten days after the close of the special hunting season.

(e) Bag Limit. The Secretary will set the bag limit at the time of announcement of a special hunting season. Failure to abide by the bag limit shall be subject to penalty.

(f) Maximum number of hunters. The Secretary, in consultation with the DLNR Resident Director for Rota, may limit the number of hunters in the MCCA at any given

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

time. The Secretary shall include the maximum number, if any, in the announcement for a special hunting season.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

Commission Comment: The Commission inserted commas after the words “bows” in subsection (a)(1) and “Director” in subsection (c) pursuant to 1 CMC § 3806(g). The Commission struck the word “for” from subsection (a)(1) pursuant to 1 CMC § 3806(g).

§ 85-30.4-215 Inspection

(a) Upon request, a person engaged in hunting shall allow a DFW Conservation Officer or Conservation Trainee to inspect any wildlife taken by or under control of the person.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

§ 85-30.4-220 Prohibited Activities

- (a) The following conduct is prohibited:
- (1) Hunting while under the influence of alcohol or a narcotic or other disabling drug.
 - (2) Taking wildlife while riding or on any motorized vehicle including automobiles, motorized bikes, motor powered boats, helicopters, or airplanes.
 - (3) Taking or pursuing wildlife while riding on an animal.
 - (4) Using fire or artificial light as an aid in taking wildlife, except that artificial light may be used to hunt coconut and land crabs during the specified season.
 - (5) Discharging a gun, bow and arrow, or cross bow in an attempt, to take a game animal within a village or within two hundred meters of a human dwelling. It is likewise illegal to discharge such weapons across a public road, within twenty-five meters of a road.
 - (6) Using dogs to hunt.
 - (7) Selling or bartering deer or deer products.
 - (8) Possess any game animal, mounted specimen, antlers, skin, meat, or any part thereof without having a hunting license valid at the time of kill or a “certificate of origin” letter, as required under subsection (e).*
 - (9) Hunting, killing, or possessing any threatened, endangered, or protected species, or any part thereof, without a valid scientific permit.
 - (10) Hunting while on official CNMI government travel, unless specifically authorized in writing by the Secretary prior to travel.
 - (12) Discharging any weapon within five hundred meters of a known, occupied bat roost. This will be enforced even in the event of a bat season being opened.
 - (13) Hunting in closed areas.

* So in original.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Commission Comment: The Commission inserted commas after the words “helicopters” in subsection (a)(2) and “meat” in subsection (a)(8) pursuant to 1 CMC § 3806(g).

Part 300 - Penalties

§ 85-30.4-301 Penalties

A person who violates a provision set forth in this subchapter or a condition of a license or permit issued under this subchapter shall be subject to the applicable penalties set forth in 2 CMC § 5109.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).

Part 400 - Miscellaneous Provisions

§ 85-30.4-401 Severability

If any section or portion of a section herein is invalid, it shall be deleted from this subchapter and shall not invalidate the remaining sections of the regulations.

History: Adopted 36 Com. Reg. 34845 (Mar. 28, 2014); Proposed 36 Com. Reg. 34650 (Jan. 28, 2014).