COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS



COMMONWEALTH REGISTER

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APRIL 28, 2016

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Ralph DLG. Torres Governor

Victor B. Hocog Lt. Governor

Commonwealth of the Northern Mariana Islands OFFICE OF THE GOVERNOR

Bureau of Environmental and Coastal Quality

DEQ: P.O. Box 501304, DCRM: P.O. Box 10007, Saipan, MP 96950-1304 DEQ Tel. (670) 664-8500/01; Fax: (670) 664-8540 DCRMTcl. (670) 664-8300; Fax: (670) 664-8315 www.dec.gov.mn and www.cnn.gov.ma



Frank M. Rabauliman Administrator

Ray S. Masga Acting Director, DEQ

Frances A. Castro Director, DCRM

PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF AMENDMENTS TO REGULATIONS OF The Bureau of Environmental and Coastal Quality

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO REGULATIONS Volume 38, Number 02, pp 037613-037619, of February 28, 2016

Regulations of the Bureau of Environmental and Coastal Quality: Chapter 65-100, **Underground Storage Tanks**

ACTION TO ADOPT PROPOSED AMENDMENTS TO REGULATIONS: The Commonwealth of the Northern Mariana Islands, Bureau of Environmental and Coastal Quality (BECQ) HEREBY ADOPTS AS PERMANENT amendments to the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act,1 CMC § 9104(a). The BECQ announced that it intended to adopt them as permanent, and now does so. (Id.). I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment, except as stated as follows:

- 1) BECQ is modifying Part 7, Enforcement, of the proposed regulations to refer to the Commonwealth Superior Court, rather than continuing to use the outdated reference to the Commonwealth Trial Court in Part 7.
- 2) BECQ is amending § 7(H) of the proposed regulations regarding criminal penalties to reflect the exact language of the enabling legislation, the Commonwealth Environmental Protection Act, 2 CMC § 3131(d)(3). Section 7(H) shall now state that criminal violations may be punished "by a fine of not more than \$50,000, or by imprisonment for not more than one year, or both."

PRIOR PUBLICATION: The prior publication was as stated above. The BECQ Administrator adopted the regulations as final on February 3, 2016.

MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

The adopted regulations shall be modified as stated above. These are non-material modifications. I further request and direct that this Notice of Adoption be published in the Commonwealth Register.

AUTHORITY: The BECQ is required by the Legislature to adopt rules and regulations regarding those matters over which the BECQ has jurisdiction, including its regulation of Underground Storage Tanks. Commonwealth Environmental Protection Act, 2 CMC §§ 3121 and 3122.

EFFECTIVE DATE: Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

COMMENTS AND AGENCY CONCISE STATEMENT: The agency received no written or oral comments during the 30 day comment period. Pursuant to 2 CMC § 9104 of the APA, upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC §. 2153(e)

above-cited pages of the Commonwealth Register, pursuant to 1 CN	MC §. 2153(e)
I DECLARE under penalty of perjury that the foregoing is true and c executed on the day of April, 2016, at Saipan, Commonwea	correct and that this declaration was alth of the Northem Mariana Islands.
Certified and ordered by:	4/6/16
FRANK M. RABAULIMAN Administrator, Byreau of Environmental and Coastal Quali	Date
Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) the certified indicated above from the cited proposed regulations, have been rev legal sufficiency by the CNMI Attorney General, and shall be publish Dated the day of April, 2016. EDWARD MANIBUSAN Attorney General	iewed and approved as to form and
Filed and Recorded by: STHER SN. NESBITT Commonwealth Register	04.07.20/6 Date

COMMONWEALTH PORTS AUTHORITY

Main Office: FRANCISCO C. ADA/SAIPAN INTERNATIONAL AIRPORT P.O. BOX 501055, SAIPAN, MP 96950-1055 Phone: (670) 237-6500/1 • Fax: (670) 234-5962 E-mail Address: cpa.admin@pticom.com Website: www.cpa.gov.mp

PUBLIC NOTICE

Proposed Amendments to the Airport Rules and Regulations of the **Commonwealth Ports Authority**

The Executive Director of the Commonwealth Ports Authority hereby notifies the public that the Commonwealth Ports Authority intends to promulgate amendments to its Airport Rules and Regulations.

INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: Notice is hereby given pursuant to 1 CMC § 9104(a) of the Administrative Procedure Act that the Commonwealth Ports Authority publishes the following revised airport regulations for the agency and its intended action to become the complete operative airport regulations for the agency.

AUTHORITY: At its Regular Board meeting on September 25, 2014, the Board of Directors, vested with authority as the governing body, approved the proposed revisions for publication and notice in the Commonwealth Register. The authority for the promulgation of regulations for the Commonwealth Ports Authority is set forth in 2 CMC § 2122(j) as an autonomous agency of the Commonwealth of the Northern Mariana Islands. 2 CMC § 2111(b)

The following proposed revised regulations have been fully reviewed and approved by the CPA Board of Directors as a comprehensive republication and revision of the CPA Rules and Regulations set for in the Commonwealth Register and NMI Administrative Code set forth at Chapter 40-10. The Board hereby approves for the publication in the Commonwealth Register for Notice and Comment pursuant to the Administrative Procedure Act and as administered by the CNMI Law Revision Commission and for approval by the Attorney General pursuant to 1 CMC § 2153(e).

THE TERMS AND SUBSTANCE: The proposed amendment sets forth the Chapter 40-10, Commonwealth Ports Authority Airport Rules and Regulations.

THE SUBJECTS AND ISSUES INVOLVED: The revised regulations update the existing regulations particularly to update the § 40-10.1-745 on Insurance; to address the insurance requirements for aircraft operators landing at airports owned or operated by the Commonwealth Ports Authority as it is compelled as a bond signatory to maintain insurance protection

DIRECTIONS FOR FILING AND PUBLICATION: These Proposed Regulations shall be published in the Commonwealth Register in the section on Proposed and Newly COMMONWEALTH REGISTER VOLUME 38 NUMBER 04

FRANCISCO C. ADA / SAIPAN INTERNATIONAL AIRPORT

BENJAMIN T. MANGLONA INTERNATIONAL AIRPORT

APRIL 28, 2016

TINIAN INTERNATIONAL AIRPORT

PAGE 037910

Adopted Regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local governments in each senatorial district, both in English and in the principal vernacular. (1 CMC § 9104(a)(1))

TO PROVIDE COMMENTS: Persons or entities wishing to submit comments must submit it in writing to: Ms. MaryAnn Q. Lizama, Executive Director, Commonwealth Ports Authority, P.O. Box 501055, Saipan, MP 96950; or via hand delivery to the Saipan International Airport Administration Office; or via facsimile at (670) 234-5962. All written comments shall be submitted within 30 days after publication of this notice.

These regulations were approved by the CPA Board of Directors on September 25, 2014.

Submitted by:	Mi fan.	28 HARCH - R
	MARYANN Q. LIZAMA	Date
	Executive Director, CPA	
Received by:	SHIRLEY CAMACHO-OGUMORO Special Assistant for Administration	April 5,2016 Date
Filed and Recorded by:	Gnerbitt	04.05.2016
	ESTHER SN. NESBITT	Date
	Commonwealth Register	

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC §9104 (a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published (1 CMC § 2153 (f) (publication of rules and regulations)).

Dated this 4 day of Aprick, 2016.

EDWARD MANIBUSAN

Attorney General

NOTISIAN PUPBLIKU

MANMAPROPONEN AREKLAMENTO YAN REGULASION SIHA NI MANMA'AMENDA PARA I AREKLAMENTO YAN REGULASION SIHA GI POT I COMMONWEALTH PORTS AUTHORITY

I Direktot Eksakatibu gi Commonwealth Ports Authority guini ha nutisia i pupbliku na i Commonwealth Ports Authority ha intensiona para u cho'gui i amendasion siha gi iyon i Plasa na Areklamentu yan Regulasion siha.

MA'INTENSIONA NA AKSION PARA U MA'ADÅPTA ESTE SIHA I MANMAPROPONE NA AREKLAMENTO YAN REGULASION SIHA: I nutisia guini ha nå'i sigun gi 1 CMC § 9104(a) gi Åktun i Administrative Procedure na i Commonwealth Ports Authority ha pupblika i sigienti ni manmaribisa na regulasion plasa para i ahensia yan i intension-ña na aksion para u mana'kumplidu i operative plasa na regulasion siha para i ahensia.

ÅTURIDÅT: Gi Regulåt na huntan Kuetpu gi Septembri 25, 2011, i Kuetpun Direktot siha, mavested i åturidåt kumu ginibebietna i tatåotåo, inaprueba i maproponi na rinibisa siha para i pupblikasion yan nutisia gi halum i Rehistran Commonwealth. I åturidåt ni para u macho gui i regulasion siha para i Commonwealth Ports Authority mapega mo na gi 2 CMC § 2122(j) kumu autonomous agency gi Commonwealth gi Sangkattan na Islas Marianas siha. 2 CMC § 2111(b)

I sigienti ni manmaproponi ni manmaribisa na regulasion siha manmaribisa yan manma'aprueba ginin i CPA Kuetpun Direktot siha kumu comprehensive republication yan maribisa gi Areklamentu yan Regulasion CPA siha ni mapega gi Rehistran Commonwealth yan i NMI Administrative Code ni mapega mo'na gi Kapitulu 40-10. I Kuetpu guini ha aprueba para i pupblikasion gi halum i Rehistran Commonwealth para Nutisia yan Upiñon sigun gi para i Åktun Administrative Procedure yan kumu ma'-administered ginin i CNMI Law Revision Commission yan para inaprueba ginin i Abugådu Heneråt sigun gi 1 CMC § 2153(e).

I TEMA YAN SUSTÅNSIAN I PALÅBRA SIHA: I manmaproponi na amendasion mapega mo'na gi Kapitulu 40-10, gi Commonwealth Ports Authority gi Areklamentu yan Regulasion.

I SUHETU NI MASUMÅRIA YAN ASUNTU NI TINEKKA: I maribisa na regulasion siha ma'-update i prisenti na regulasion siha pattikulåtmienti para u ma'update i § 40-10.1-745 gi Insurance; para u ma'-address i insurance requirements para draiban landing båtkon airi giya plasa siha ni iyon-ña pat ma-operated iya' i Commonwealth Ports Authority kumu guiya ha compelled as bond signatory para u mantieni proteksion insurance.

DIREKSION PARA U MAPO'LU YAN PARA PUPBLIKASION: Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum i Rehistran Commonwealth gi seksiona ni Manmaproponi yan Nuebu na Ma'adapta na Regulasion siha, (1 CMC § 9102(a)(1)), yan u mapega gi kumbinienti na lugat siha gi halum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, parehu English yan prinsipat na lingguahin natibu. (1 CMC § 9104(a)(1)). PARA U MAPRIBENIYI UPIÑON SIHA: Petsona siha pat entities ni ha diseseha para u na'halum upiñon siha siña ha na'halum tinigi' upiñon siha guatu para: Siñora MaryAnn Q. Lizama, Direktot Eksakatibu, gi Commonwealth Ports Authority, P.O. Box 501055, Saipan, MP

96950; pat u machuli' guatu gi Saipan International Airport Ufisinan Atministrasion; pat via facsimile gi (670) 234-5962. Todu tinigi' upiñon siha debi na u fanhålum trenta(30) dihas siha ginen este na notisian pupblikasion.

Esti i manmaproponi na regulasion siha manma'aprueba ginin i CPA Kuetpun Direktot siha gi

Septembri 25, 2	2014.	
Nina'hålum as:	MARYANN Q. LIZAMA	28 -42 -/6 Fetcha
Rinisibi as:	SHIRLEY CAMACHO-OGUMORO Ispisiåt Na Ayudånti Para I Atministrasion	April S, 2016 Fetcha
Pine'lu yan Ninota as:	ESTHER SN. NESBITT Rehistran Commonwealth	04.05.2015 Fetcha

Sigun i 1 CMC § 2153(e) (I Abugådu Heneråt ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inaprueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion areklamentu yan regulasion siha)).

Mafetcha guini gi diha H, di April, 2016.

EDWARD MANIBUSAN

Abugådu Heneråt

6.7 Running of engines during operations

No propeller driven aircraft engine shall be operated while such aircraft is parked on the ramp, or during the loading or unloading of passengers or cargo, unless (1) a duly authorized agent of operator of the aircraft is present during such loading or unloading. and such agent shall take all necessary steps to assure the safety of passengers and other persons upon the ramp; and (2) the operator of such aircraft shall have deposited with the Authority a certificate or other evidence of insurance, in a form and upon-a issued by an insurer company satisfactory to the Authority, insuring the operator, the Authority, and their respective agents, employees, and officers, against the risks of personal-injury, loss of life bodily injury and property damage in an amount of not less than the amounts stated in Part 7.10. \$1,000,000.00 for person, \$3,000,000.00 for each accident, and \$500,000:00 for property damage, provided that this insurance requirement shall not apply to any airline which has executed an Airline Use/Operating Agreement with the Authority oursuant to Part 7.9 of these Rules and Regulations, while such agreement remains in force and in effect. (Amended date.)

7.10 Insurance

a. Every person who operates an Aircraft on regularly scheduled or charter service, or who is not a signatory to an Airline Use Agreement, shall carry third party liability insurance-in amounts not less than \$5-million for personal injury or death and \$1 million for property damage. (Amended 3/15/94)

b. Every person who operates an Aircraft-to or from any airport and is not required to have insurance in the amounts set forth in Parts 6.7 and 7.10(a) of these Rules and Regulations shall carry third-party liability insurance in amounts not loss than \$1 million for personal injury-or-death and \$500,000 for property damage. (Amended-3/15/94).u Any person who operates an aircraft to, on, or from any airport in the Commonwealth of the Northern Mariana Islands shall have entered into a written agreement with the Authority and shall maintain Aviation Liability insurance, including Passenger liability, in a form and with insurers satisfactory to the Authority, in an amount not less than \$1,000,000 combined single limit of liability times the number of passenger seats in their largest aircraft, subject to a minimum amount of \$10,000,000. The Authority shall be named as an additional insured by such insurance. (Amended date)



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres Governor

Victor B. Hocog Lieutenant Governor

EXECUTIVE ORDER No. 2016-006

RENEWAL OF DECLARATION OF MAJOR DISASTER AND SIGNIFICANT EMERGENCY IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

WHEREAS, on August 2, 2015, Typhoon Soudelor struck the Commonwealth of the Northern Mariana Islands:

WHEREAS, Typhoon Soudelor caused significant damage to public and private property;

WHEREAS, on August 3, 2015, Acting Governor Ralph DLG. Torres issued a Declaration of Major Disaster and Significant Emergency;

WHEREAS, on August 5, 2015, President Barack H. Obama issued a major disaster declaration for the Commonwealth under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq.;

WHEREAS, on September 3, 2015, and October 2, 2015, Governor Eloy S. Inos renewed the August 3, 2015 Declaration of Major Disaster and Significant Emergency;

WHEREAS, on November 1, 2015, November 29, 2015, and December 28, 2015, Acting Governor Ralph DLG. Torres again renewed the August 3, 2015 Declaration of Major Disaster and Significant Emergency:

WHEREAS, on January 27, 2016, Governor Ralph DLG. Torres again renewed the August 3, 2015 Declaration of Major Disaster and Significant Emergency;

WHEREAS, on February 22, 2016, Acting Governor Victor B. Hocog again renewed the August 3, 2015 Declaration of Major Disaster and Significant Emergency;

WHEREAS, all necessary administrative and legal processes necessary to complete the recovery effort have not fully run their course;

NOW, THEREFORE, I, RALPH DLG. TORRES, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and by the Homeland Security and Emergency Management Act of 2013, 1 CMC §§ 20141-20147, do hereby again renew the August 3, 2015 Declaration of Major Disaster and Significant Emergency in the Commonwealth of the Northern Mariana Islands that was previously renewed on September 3, 2015, October 2, 2015, November 1, 2015, November 29, 2015, December 28, 2015, January 27, 2016, and February 22, 2016.

I HEREBY INVOKE MY AUTHORITY under Article III, § 10 of the Northern Mariana Islands Constitution and under 1 CMC § 20144 to protect the health and safety of the people of the Commonwealth. Accordingly, the following is hereby **ORDERED**:

I. RENEWAL OF DECLARATION OF MAJOR DISASTER AND STATE OF SIGNIFICANT EMERGENCY

The August 3, 2015 Declaration of Major Disaster and Significant Emergency issued by Acting Governor Ralph DLG. Torres, and renewed for a first time on September 3, 2015, a second time on October 2, 2015, a third time on November 1, 2015, a fourth time on November 29, 2015, a fifth time on December 28, 2015, a sixth time on January 27, 2016, and a seventh time on February 22, 2016, is hereby again renewed in its entirety without change, except that the report from the Homeland Security and Emergency Management Office to the Office of the Governor (as described in Section I of the Declaration) shall be submitted on or about May 15, 2016, and the expiration of the Declaration (as described in Section VII) shall be extended an additional thirty (30) days from the date of this Executive Order.

II. EFFECTIVE DATE

This eighth Renewal of the August 3, 2015 Declaration of Major Disaster and State of Significant Emergency shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with the August 3, 2015 Declaration shall also remain in effect for thirty (30) days from the date of this Executive Order.

Done this 22nd day of March 2016.

RALPH DI.G. TORRES



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor

EXECUTIVE ORDER NO. 2016-007

SUBJECT: DECLARATION OF A STATE OF SIGNIFICANT EMERGENCY

AUTHORITY: I, VICTOR B. HOCOG, pursuant to the authority vested in me as Acting Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution and P.L. 18-4, § 104 of the Homeland Security and Emergency Management Act of 2013, do hereby declare a State of Significant Emergency for the Commonwealth of the Northern Mariana Islands due to the imminent threat of the inability of the Commonwealth Utilities Corporation ("CUC") to provide critical power generation, water, and wastewater services to the CNMI and considering the harm such condition would pose to the community, environment, and critical infrastructure of the Commonwealth of the Northern Mariana Islands.

WHEREAS, CUC IS THE SOLE ELECTRICITY SUPPLIER to the Government of the CNMI, including all public safety activities, the schools, and the only hospital. CUC also supplies electricity to most of the CNMI's businesses and homes. While some businesses and agencies own backup generators, they are not generally organized to use the backups as permanent power sources and the diesel oil purchased to run these generators is substantially more expensive than that used for CUC power.

WHEREAS, WITHOUT CUC ELECTRICITY:

- (1) Most CNMI economic activity would come to a halt, much refrigeration and air conditioning would end, and the airports and ports would be forced to rely on emergency generation on the limited, expensive oil supply for it;
- (2) The CNMI's health and safety would immediately be at risk because traffic signals and street lighting would cease to function; emergency, fire, police facilities and their communications systems, and the hospital and island clinics would have to rely on limited fuel supplies for emergency generation and then cease functioning; and much refrigeration of food and medicines would end, as would air conditioning for the elderly and sick;

- (3) The public schools and the Northern Marianas College would close. Other educational institutions would close as their backup fuel supplies for emergency generators were exhausted; and
- (4) Water and sewage treatment would soon end. One of CUC's largest electric customers is the combined CUC Water and Wastewater Divisions. CUC is the sole supplier of electricity for these systems. CUC's water system relies on electricity to maintain the system pressure needed to prevent the backflow of pathogens, to chlorinate, and to pump, store, and distribute water supplies. CUC's wastewater system requires electricity to collect, pump, process, treat, and discharge sewage. The lack of electricity could result in sewage overflow, contaminating land and water.

WHEREAS, THERE EXISTS A FINANCIAL CRISIS:

- (1) CUC is owed over \$20 million by the public school system ("PSS") and the Commonwealth Healthcare Corporation ("CHC") and is owed over millions more by other users;
- (2) Although the commonwealth economy has recently improved, the improvement is only marginal and the economy and the government's finances are still fragile. This government strains to meet its obligations.
- (3) CUC often only has days' worth of purchased diesel fuel to power its system because it lacks the funds to buy oil from its sole, cash-only supplier. CUC has no credit or other means to buy fuel than the revenue it collects from its customers;

WHEREAS, THERE EXISTS A TECHNICAL WORKER CRISIS:

- (1) CUC faces a manpower crisis. Skilled worker and a responsive support system are key to the success of the operation, particularly for preventative maintenance. At present, CNMI law at 3 CMC §§ 4531 and 4532 prohibits CUC from hiring any more non-U.S. technical workers;
- (2) CUC bears a substantial obligation to deliver highly technical work on time to the satisfaction of the U.S. District Court and the U.S. Environmental Protection Agency ("EPA"), pursuant to two sets of consent, or "Stipulated Orders." Failure to meet the requirements of the federal court orders could subject CUC and the CNMI to substantial fines and charges and, in the extreme, to a federal takeover of their finances:
- (3) CUC requires employees with specialized training. There are many non-U.S. citizens whom CUC needs to retain on technical and professional contracts. Without these positions filled, CUC operations would be severely compromised;

- (4) The legislature, through P.L. 17-1 (Mar. 22, 2010), has limited CUC's ability to hire technical staff, eliminating prior statutory permission to hire up to nineteen foreign workers and reinstituting a moratorium on the government's hiring of foreign nationals, even if needed for highly technical positions for which no local or mainland citizens are available. The CUC Act, as subsequently reenacted by P.L. 16-17 (Oct. 1, 2008), provides that CUC shall hire such persons as are necessary for operations, except as otherwise limited by other law. 4 CMC § 8123(h);
- (5) There are not enough U.S. citizen or U.S. resident technical specialists at CUC to perform the power generation work, particularly specialists with experience in the type of engines that CUC uses. U.S. citizens with the necessary skills are not readily available in the CNMI and it is costly to recruit from the United States. CUC believes that the vast majority of skill sets, considering its cash restrictions, must come from non-U.S. personnel. CUC has tried to hire diesel mechanics in the CNMI, but has been unsuccessful in finding enough qualified candidate;
- (6) The impact of an inadequate workforce is substantial. First, there would be a direct deterioration of service to existing customers. There would be brownouts or area blackouts with the above-mentioned loss of service. Second, the power plants would again degrade, producing more of these outages. Third, if CUC fails to meet federal court deadlines for the Stipulated Orders, the Court could appoint a federal receiver and its consulting team with all expenses charged to CUC customers.
- (7) CUC's renewal of contracts and hiring of foreign expert workers is necessary to sustain the integrity of CUC's systems. Thus, continued relief from the legislative prohibition on hiring foreign national workers is necessary to ensure the delivery of uninterrupted power services to the people of the Commonwealth. The legislature is urged to address this matter by way of amending local law to allow CUC to continue employing the services of foreign workers for such technical positions difficult to fill and to provide for a reasonable transition period.

WHEREAS, BY THIS DECLARATION OF A STATE OF **SIGNIFICANT** EMERGENCY, I intend to enable CUC to continue to provide necessary services to the people of the Commonwealth. This Declaration is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

NOW, THEREFORE, I hereby invoke my authority under Article III, § 10 of the Commonwealth Constitution and P.L. 18-4 § 104(c), to take all necessary measures to address the threats facing the Commonwealth of the Northern Mariana Islands.

It is hereby **ORDERED** that:

This Declaration of a State of Significant Emergency shall take effect immediately and all memoranda, directives, and other measures taken in accordance with this Declaration shall remain in effect for thirty (30) days from the date of the Executive Order unless I, prior to the end of the thirty (30)-day period, terminate the declaration of a state of significant emergency, P.L. 18-4, § 104(g)

Under authority of this Declaration and the goal of mitigating or ameliorating the above described crises, I immediately direct the following:

DIRECTIVE: Insofar as it applies to CUC, 3 CMC § 4531 is hereby suspended. As a result of the suspension of 3 CMC § 4531, CUC shall have the full power and authority to retain staff which may include employees other than citizens and permanent residents of the United States.

The above described Directive is in no way meant as the limits of my actions or authority under this Declaration. Accordingly, I reserve the right under this Declaration to issue any and all directives necessary to prevent, mitigate or ameliorate the adverse effects of the emergency.

SIGNED AND PROMULGATED on this 15th day of April, 2016.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres
Governor

Victor B. Hocog
Lieutenant Governor

EXECUTIVE ORDER No. 2016-008

RENEWAL OF DECLARATION OF MAJOR DISASTER AND SIGNIFICANT EMERGENCY IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

WHEREAS. on August 2, 2015. Typhoon Soudelor struck the Commonwealth of the Northern Mariana Islands;

WHEREAS. Typhoon Soudelor caused significant damage to public and private property:

WHEREAS, on August 3, 2015. Acting Governor Ralph DLG. Torres issued a Declaration of Major Disaster and Significant Emergency:

WHEREAS, on August 5. 2015, President Barack H. Obama issued a major disaster declaration for the Commonwealth under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. 42 U.S.C. §§ 5121 et seq.:

WHEREAS, on September 3, 2015, and October 2, 2015, Governor Eloy S. Inos renewed the August 3, 2015 Declaration of Major Disaster and Significant Emergency;

WHEREAS. on November 1, 2015, November 29, 2015, and December 28, 2015, Acting Governor Ralph DLG. Torres again renewed the August 3, 2015 Declaration of Major Disaster and Significant Emergency:

WHEREAS. on January 27. 2016. Governor Ralph DLG. Torres again renewed the August 3. 2015 Declaration of Major Disaster and Significant Emergency;

WHEREAS. on February 22. 2016. Acting Governor Victor B. Hocog again renewed the August 3, 2015 Declaration of Major Disaster and Significant Emergency:

WHEREAS, on March 22, 2016, Governor Ralph DLG. Torres again renewed the August 3, 2015 Declaration of Major Disaster and Significant Emergency;

WHEREAS, all necessary administrative and legal processes necessary to complete the recovery effort have not fully run their course;

NOW, THEREFORE, I, VICTOR B. HOCOG. pursuant to the authority vested in me as Acting Governor of the Commonwealth of the Northern Mariana Islands by Article

III. § 10 of the Commonwealth Constitution and by the Homeland Security and Emergency Management Act of 2013. 1 CMC §§ 20141-20147, do hereby again renew the August 3, 2015 Declaration of Major Disaster and Significant Emergency in the Commonwealth of the Northern Mariana Islands that was previously renewed on September 3, 2015, October 2, 2015, November 1, 2015, November 29, 2015, December 28, 2015, January 27, 2016, February 22, 2016, and March 22, 2016.

I HEREBY INVOKE MY AUTHORITY under Article III, § 10 of the Northern Mariana Islands Constitution and under 1 CMC § 20144 to protect the health and safety of the people of the Commonwealth. Accordingly, the following is hereby **ORDERED**:

RENEWAL OF DECLARATION OF MAJOR DISASTER AND STATE OF I. SIGNIFICANT EMERGENCY

The August 3, 2015 Declaration of Major Disaster and Significant Emergency issued by Acting Governor Ralph DLG. Torres, and renewed for a first time on September 3, 2015, a second time on October 2, 2015, a third time on November 1, 2015, a fourth time on November 29, 2015, a fifth time on December 28, 2015, a sixth time on January 27, 2016, a seventh time on February 22, 2016, and an eighth time on March 22, 2016 is hereby again renewed in its entirety without change, except that the report from the Homeland Security and Emergency Management Office to the Office of the Governor (as described in Section I of the Declaration) shall be submitted on or about June 15, 2016, and the expiration of the Declaration (as described in Section VII) shall be extended an additional thirty (30) days from the date of this Executive Order.

II. **EFFECTIVE DATE**

This ninth Renewal of the August 3, 2015 Declaration of Major Disaster and State of Significant Emergency shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with the August 3, 2015 Declaration shall also remain in effect for thirty (30) days from the date of this Executive Order.

Done this 20th day of April 2016.

VICTOR B.\HOCOG Acting Governor