

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Via Hand Delivery
and E-mail to: speaker@guamlegislature.org

June 3, 2023

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Siette Na Liheslaturan Guåhan

37th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

RE: EXECUTIVE ORDER NO. 2023-04

Hafa Adai Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is the following Executive Order:

**EXECUTIVE ORDER NO. 2023-04: RELATIVE TO DECLARING A STATE OF
EMERGENCY DUE TO THE PUBLIC WATER SUPPLY SHORTAGE CAUSED BY
TYPHOON MAWAR**

Thank you.

Senseremente,

LESLIE A. TRAVIS

Legal Counsel

Enclosure: Executive Order No. 2023-04

cc via email: *Maga'hågan Guåhan*
Sigundo Maga'låhen Guåhan
Hon. Robert J. Torres, Jr., Chief Justice of Guam
Compiler of Law
Central Files
Cabinet Members



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGATNA, GUAM 96932
U.S.A.

EXECUTIVE ORDER NO. 2023-04

**RELATIVE TO DECLARING A STATE OF EMERGENCY DUE TO THE
PUBLIC WATER SUPPLY SHORTAGE CAUSED BY TYPHOON MAWAR**

WHEREAS, on May 21, 2023, I issued Executive Order No. 2023-02 in anticipation of the approach of Tropical Storm Mawar and on May 22, 2023, at my request, President Joseph R. Biden issued Emergency Declaration FEMA-3594-EM; and

WHEREAS, on May 22, 2023, Tropical Storm Mawar was upgraded to a typhoon. On May 23, 2023, Typhoon Mawar was upgraded to a Category 4 typhoon, and, in response to this intensification, I issued Executive Order No. 2023-03, ordering the evacuation of residents in low lying, coastal and flood prone areas; and

WHEREAS, on May 24, 2023, Typhoon Mawar made landfall on Guam, with sustained winds of 140 mph and gusts up to 170 mph. Typhoon Mawar maintained its intensity as it passed through the Rota Channel between Guam and Rota, with destructive typhoon force winds continuing through May 25, 2023. On May 25, 2023, at my request, President Biden issued Major Disaster Declaration FEMA-4715-DR; and

WHEREAS, Typhoon Mawar represents the closest impact of any typhoon of this magnitude on our island in over twenty (20) years, and has caused substantial damage to our island; and

WHEREAS, aggressive recovery efforts are currently under way. The Guam Power Authority (“GPA”) has worked tirelessly to restore power to our island, which in turn will support other critical recovery efforts. Presently, nearly all of our substations have been restored, as well as a majority of our feeder stations. Power has been restored to communities surrounding substations and high priority services such as hospitals and clinics, and these efforts will enable GPA to restore power to our neighborhoods more broadly; and

WHEREAS, the loss of consistent access to island power has unfortunately slowed recovery of our water and wastewater systems, causing water pumping stations to shut down, and the island wide water distribution system to fail. This resulted in an island wide loss of water service, which, as of the time of this writing, is in the process of being restored; and



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WHEREAS, as island power becomes available more broadly, more water pumps will come online. The Federal Emergency Management Agency has also supplemented island power with generators to help initiate more Guam Waterworks Authority (“GWA”) pumps; and

WHEREAS, with water pumps initialized, GWA has been working around the clock to restore water to our community; and

WHEREAS, inconsistent water levels in our reservoirs pose a significant impediment to broadening water supply available to our community. While there is water service in every village, it will be necessary to increase and stabilize reservoir levels in order to restore water to higher lying areas of the island. Further, unless we stabilize our water levels, areas with water service will continue to experience intermittent disruptions because reservoir levels will periodically drop due to high demand; and

WHEREAS, to support areas that remain without water, GWA has deployed potable water tanks containing tens of thousands of gallons of water to designated sites in northern, central, and southern villages; and

WHEREAS, GWA has requested that residents with water service conserve and limit use of their water to cleaning, bathing and cooking, in order to allow replenishment and stabilization of our reservoirs; and

WHEREAS, residents have reported that, notwithstanding the shortage of water, some members of our community are using water for other non-critical purposes, including waterblasting; and

WHEREAS, 9 G.C.A. Section 55.60 provides that upon a declaration by the Governor of a state of emergency as the result of a disaster that threatens the public water supply, it shall be a petty misdemeanor for any person to use water supplied by GWA for any unauthorized purpose not pertaining to public health, safety and welfare; and

WHEREAS, notwithstanding existing emergency declarations that authorize response efforts in response to Typhoon Mawar, it is necessary to issue a post-typhoon emergency declaration to activate Section 55.60, to eliminate or reduce use of water for unauthorized purposes, to allow our reservoirs to recover, and to support the delivery of water to the members of our community who urgently need it.



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NOW THEREFORE, I, LOURDES A. LEON GUERRERO, I Maga'hågan Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam as amended, do hereby order:

1. **DECLARATION OF STATE OF EMERGENCY.** A state of emergency is hereby declared for the island of Guam due to the public water supply shortage as a result of Typhoon Mawar.
 - a. Pursuant to 9 G.C.A. § 55.60, individuals should only use water supplied by GWA for authorized uses pertaining to public health, safety and welfare. Specific unauthorized uses provided in Section 55.60 include washing motor vehicles, windows, streets, sidewalks and buildings.
 - b. This order shall be effective immediately and shall continue in effect for a period of fifteen (15) days. It shall expire on June 18, 2023, unless otherwise amended or rescinded by further executive order.
2. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.
3. **PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in full force and effect except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagåtña, Guam, this **3rd** day of June, 2023.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lt. Governor of Guam

