

EXECUTIVE ORDER NO. 169

*Temporarily Suspending Application of Certain Regulation of the
Environmental Quality Protection Board and
Ordering an Environmental Impact Statement Concerning the
National Capital Relocation Project*

WHEREAS Article XIII, section 11, of the Constitution of the Republic of Palau declares Koror to be the provisional capital of the Republic and, in recognition of the importance of Babeldaob to the continued growth of Palau, expressly requires that the national capital be permanently located in Babeldaob within ten years of the effective date of the Constitution; and

WHEREAS within five years after effective date of the Constitution, legislation enacted as Republic of Palau Public Law (“RPPL”) No. 1-70 identified Melekeok State in Babeldaob as the location for the permanent national capital and committed additional funds for the identification and evaluation of specific sites within Melekeok, as well as for development of specific plans for proceeding with the relocation; and

WHEREAS subsequent legislation enacted as RPPL No. 5-26 confirmed the importance of the relocation of the national capital and the need to process rapidly with that project; and

WHEREAS RPPL No. 5-26 further established a three phase plan for the site preparation, construction, relocation, and associated operations necessary to comply with the Constitutional mandate that the national capital be permanently established in Melekeok; and

WHEREAS RPPL No. 5-26 also authorizes and requires the President to obtain additional funding from foreign sources for the full implementation and completion of the capital relocation project; and

WHEREAS the President has determined that it will be likely that additional, foreign funding for the national capital relocation project will be forthcoming unless and until there is some tangible proof of the good faith and determination of the Republic of Palau in pursuing the national capital relocation project; and

WHEREAS such proof of the dedication of the government and the people of Palau to the relocation of the national capital would best be rendered by commencement of the first phase of the national capital relocation project; and

WHEREAS the Ministry of Resources and Development has published a request for proposals in connection with beginning the first phase of the capital relocation project and anticipates receiving responses no later than September 9, 1999, with an award of contracts associated with the first phase of the national capital relocation project expected by October 1, 1999; and

WHEREAS, the scope and magnitude of the national capital relocation project are such

that the Environmental Quality Protection Board has determined that the project requires the preparation of an environmental impact statement; and

WHEREAS the regulations of the Environmental Quality Protection Board would require the preparation of such a statement and additional documentation prior to issuance of certain permits needed from the Environmental Quality Protection Board in order to begin phase one of the national capital relocation project; and

WHEREAS the proper preparation of an Environmental Impact Statement will require a substantial amount of time which would create significant delays in the commencement of the first phase of the national capital relocation project; and

WHEREAS the President endorses the views of the Environmental Quality Protection Board concerning the need for an Environmental Impact Statement in connection with the national capital relocation project;

NOW, THEREFORE, it is hereby ordered:

1. Pursuant to Palau National Code Title 6, section 132, the rules and regulations of the Environmental Quality Protection Board are suspended only with respect to the national capital relocation project as that undertaking is described in RPPL No. 5-26 and only to the extent those rules and regulations are inconsistent with the provisions of this Order.
2. The Ministry of Resources and Development shall immediately begin work in consultation with the Environmental Quality Protection Board to develop a request for proposals for preparation of an Environmental Impact Statement.
3. Upon receiving and evaluating the responses to the request for proposal described in paragraph 2, supra, the Ministry of Resources and Development shall select an appropriate bidder and commission same to prepare and complete an Environmental Impact Statement in accordance with the Republic of Palau Environmental Impact Statement Regulations, Chapter 2401-61.
4. In no event shall the second or third phases of the national capital relocation project proceed without full compliance by the Ministry of Resources and Development with the provision of the Republic of Palau Environment Impact Statement Regulation, Chapter 2406-61.
5. With respect to the first phrase of the national capital relocation project, the Ministry of Resources and Development shall work in consultation with the Environmental Quality Protection Board to ensure that the risk of environmental damage will be minimized and further shall complete Environmental Assessment in accordance with the Republic of Public Environmental Impact Statement Regulations, Chapter 2401-6 1.
6. Prior to embarking on the first phase of the national capital relocation project, the Ministry of Resources and Development or its contractor shall prepare a Soil Erosion Control

Plan for that phase and shall obtain approval of that plan from the Environmental Quality Protection Board.

7. The second and third phases of the national capital relocation project are to be completed in full compliance with all applicable environmental rules and regulations.

SO ORDERED THIS 24th DAY OF AUGUST, 1999,

Kuniwo Nakamura
President of the Republic of Palau