

OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, Hawai'i has suffered a disaster caused by heavy rains and flooding beginning March 8, 2021 and which are forecast to continue through March 12, 2021, that has caused localized flooding and lingering saturated ground conditions, and periods of heavy rains and flooding which has caused extensive damage to public and private property, impacting the counties of Hawai'i, Maui, Kalawao, Kaua'i, and the City and County of Honolulu, State of Hawai'i, thereby endangering the health, safety, and welfare of the people; and

WHEREAS, as a result of the heavy rains and flooding, in Maui County, State of Hawai'i, the Peahi Bridge on Peahi Road was completely washed out and the Kaupakalua Bridge on Kaupakalua Road was displaced thereby making these roads impassible along with other reported damage to roads and bridges in Maui County, State of Hawai'i; and

WHEREAS, the saturated ground conditions, degraded stability and lateral support of hillsides and areas of land, and the increased water levels in the reservoirs throughout the State of Hawai'i have increased the risk of erosion, seepage, piping, and fear of dam failure in the reservoirs of the State of Hawai'i; and.

WHEREAS, this disaster has caused damages, losses, and suffering of such character and magnitude to warrant rehabilitative assistance from the State; and

WHEREAS, the Legislature of the State of Hawai'i has appropriated from the general revenues of the State monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the emergency; and

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee of the state or to any county for the most expeditious and efficient relief of the conditions created by the emergency; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, has occurred in the counties of Hawai'i, Maui, Kalawao, Kaua'i, and the City and County of Honolulu, State of Hawai'i, and do hereby authorize and invoke the following emergency provisions which are expressly invoked, if not already in effect upon this declaration of an emergency:

I. Invocation of Laws

Sections 127A-12 and 127A-13, Hawaii Revised Statutes, in order for county and state agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, Hawaii Revised Statutes, as a result of this event.

Sections 127A-3, 127A-12(a)(5), 127A-13(a)(5), and 127A-13(a)(6), Hawaii Revised Statutes, and the Director of Hawai'i Emergency Management and the Administrator of Emergency Management are directed to take appropriate actions to direct or control, as may be necessary for emergency management:

- a. Alerts, warnings, notifications, and activations;
- b. Warnings and signals for alerts and any type or warning device, system, or method to be used in connection therewith;
- c. Partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster;
- d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters;
- e. Shut off water mains, gas mains, electric power connections, or suspension of other services; and
- f. Mandatory evacuation of the civilian population.

Section 127A-13(a)(1), Hawaii Revised Statutes, and I find that the dangerous conditions of certain reservoirs in the State of Hawai'i and erosion, and fear of dam failure in certain reservoirs constitute a public nuisance which are dangerous to the public health or safety or to property and hereby authorize the Director of Hawai'i Emergency Management or the Administrator of Emergency Management to direct that any public nuisances be summarily abated, and if need be that the property be destroyed, by any police officer or any authorized person in order to protect the public health and safety.

Section 127A-12(b)(13), Hawaii Revised Statutes, requiring each public utility, or any person owning, controlling, or operating a critical infrastructure, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof, and provide for the protection and safeguarding of all critical infrastructure and key resources; provided that without prejudice to the generality of the foregoing two clauses, the protecting or safeguarding may include the regulation or prohibition of public entry thereon, or the permission of the entry upon terms and conditions as I may prescribe.

Section 127A-12(b)(16), HRS, directing all state agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in emergency response efforts.

Section 127A-16, Hawaii Revised Statutes, by activating the Major Disaster Fund.

II. **Suspension of Laws**

The following specific provisions of law are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), Hawaii Revised Statutes, to the extent that the law impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by Chapter 127A, Hawaii Revised Statutes, specifically are made applicable to emergency personnel:

Chapter 6E, Hawaii Revised Statutes, **historic preservation**.

Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury; exceptions.**

Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for subsections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations.**

Chapter 46, Hawaii Revised Statutes, **county organization and administration** with respect to any county ordinance, rule, regulation, law, or provision in any form relating to county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinders, delays, or impedes the purpose of this Proclamation.

Chapter 89, Hawaii Revised Statutes, **collective bargaining in public employment.**

Chapter 89C, Hawaii Revised Statutes, **public officers and employees excluded from collective bargaining.**

Section 103-2, Hawaii Revised Statutes, **general fund.**

Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments.**

Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**

Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code.**

Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works.**

Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations.**

Sections 142-2 to 142-12, Hawaii Revised Statutes, as these sections may apply to the arrival of dogs used by search and rescue teams approved by the State of Hawai'i, Department of Defense.

Chapter 171, Hawaii Revised Statutes, **public lands, management and disposition of.**

Chapter 174C, Hawaii Revised Statutes, **state water code.**

Chapter 179D, Hawaii Revised Statutes, **dams and reservoirs.**

Chapter 180C, Hawaii Revised Statutes, **soil erosion and sediment control.**

Chapter 183, Hawaii Revised Statutes, **forest reserves, water development, zoning.**

Chapter 183C, Hawaii Revised Statutes, **conservation district.**

Chapter 183D, Hawaii Revised Statutes, **wildlife.**

Chapter 195D, Hawaii Revised Statutes, **conservation of aquatic life, wildlife, and land plants.**

Chapter 205A, Hawaii Revised Statutes, **coastal zone management.**

Chapter 264, Hawaii Revised Statutes, **highways.**

Chapter 286, Hawaii Revised Statutes, **highway safety.**

Chapter 341, Hawaii Revised Statutes, **environmental quality control.**

Chapter 342B, Hawaii Revised Statutes, **air pollution control.**

Chapter 342D, Hawaii Revised Statutes, **water pollution.**

Chapter 342E, Hawaii Revised Statutes, **non-point source pollution management and control.**

Chapter 342F, Hawaii Revised Statutes, **noise pollution.**

Chapter 342H, Hawaii Revised Statutes, **solid waste pollution.**

Chapter 343, Hawaii Revised Statutes, **environmental impact statements.**

Chapter 344, Hawaii Revised Statutes, **state environmental policy.**

Section 464-4, Hawaii Revised Statutes, **public works required to be supervised by certain professionals.**


III. Severability

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted, and the remainder of this Proclamation and the application of such

provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.


I FURTHER DECLARE that the disaster emergency relief period shall commence immediately and continue through May 8, 2021, unless terminated or superseded by separate proclamation, whichever shall occur first.

Done at the State Capitol, this
9th day of March, 2021.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i