

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**PROCLAMATION**

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to prevent the danger of 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 Hawaii, hereby determine, designate and proclaim as follows:

**WHEREAS**, the Department of Transportation has been monitoring the erosion and performing continual maintenance on Kamehameha Highway in Kaaawa on the north shore of the Island of Oahu for over 20 years; and

**WHEREAS**, due to the recent damage to Kamehameha Highway due to the increased erosion, the Department of Transportation has started the design to repair Kamehameha Highway in the Kaaawa area; and

**WHEREAS**, recently the Department of Transportation was able to restore the outbound lane of Kamehameha Highway in the Kaaawa area which was damaged by the effects of erosion; and

**WHEREAS**, the recent repairs to the outbound lane of Kamehameha Highway in the Kaaawa area are showing increased signs of failing; and

**WHEREAS**, the Department of Transportation inspected the site and assessed the damage, which warrants immediate repairs to maintain the stability of Kamehameha Highway in the Kaaawa area to protect the public; and

**WHEREAS**, Kamehameha Highway is the only public roadway or highway providing transportation through the Kaaawa area of the City and County of Honolulu; and

**WHEREAS**, there is no possible detour available for this area of Kamehameha Highway other than going around the island; and

**WHEREAS**, due to the traffic volume of this two lane highway, the closure of even a portion of Kamehameha Highway for an extended period of time has the potential to cause extensive personal injury and property damage in the City and County of Honolulu; and

**WHEREAS**, residents, visitors, and businesses on the North Shore of Oahu will suffer major traffic congestion by adding several hours to their commute and potential gridlock during the high surf season, which would endanger the health, safety, and welfare of the people, and the economy of the State; and

**WHEREAS**, the environmental permitting, design, and construction of the repairs to this highway is expected to take about a year to complete; and

**WHEREAS**, the damage, losses, and suffering potentially attributable to the continual erosion and imminent closure of this section of Kamehameha Highway are of such nature as to warrant rehabilitative assistance from the State; and

**WHEREAS**, prompt, expeditious action is necessary to deal with the emergency roadway repairs to assure the health and safety of the public; and

**WHEREAS**, I find that this state of affairs and circumstances are of such a grave nature as to affect the health and safety of the public and that these circumstances require the invocation of provisions of Chapter 127A, Hawaii Revised Statutes, that are effective only during an emergency period; and

**WHEREAS**, the Legislature of the State of Hawaii 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**, pursuant to §§ 127A-14 and 127A-16, Hawaii Revised Statutes, the Governor is authorized to determine whether an emergency or disaster has occurred and authorize the expenditure of funds thereunder; and

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

**WHEREAS**, pursuant to §127A-13(a)(3), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or in conflict with, emergency functions; and

**WHEREAS**, pursuant to §127A-13(a)(2), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities, or obstructions to the public health, safety, or welfare found by the Governor to exist in the laws and to result from the operation of federal programs or measures taken under Chapter 127A, Hawaii Revised Statutes, by suspending the laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose.

**WHEREAS**, pursuant to § 127A-12(b)(8), Hawaii Revised Statutes, the Governor may suspend chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency management functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

**WHEREAS**, pursuant to § 127A-12(b)(19), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of Chapter 127A, Hawaii Revised Statutes, and to provide for emergency management and other emergency functions;

**NOW, THEREFORE**, I, DAVID Y. IGE, Governor of the State of Hawaii, hereby determine that an emergency or disaster contemplated by §§ 127A-14 and 127A-16, Hawaii Revised Statutes, has occurred in the above areas in the State of Hawaii, and do hereby proclaim this area to be a disaster area for the purpose of authorizing and invoking the following measures under the Hawaii Revised Statutes:

1. Section 127A-16, Hawaii Revised Statutes, by the activation of the Major Disaster Fund.

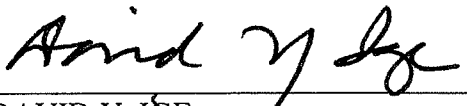
2. Sections 127A-12(b)(8), 127A-13(a)(2), and 127A-13(a)(3), Hawaii Revised Statutes, to the extent necessary to eliminate or significantly reduce the potential danger of the failure of Kamehameha Highway in the Kaaawa area that is the subject of this proclamation, to keep Kamehameha Highway open for use by residents and visitors through the north shore in the City and County of Honolulu, and to repair, restore, or rebuild, with any necessary improvements, Kamehameha Highway, I hereby suspend as allowed by federal law, the following statutes:
- a. Chapter 6E, Hawaii Revised Statutes, **historic preservation**, except for those provisions relating to burial sites.
  - b. Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury**.
  - c. Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), and any such transfers or changes shall be considered authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.
  - d. Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations**.
  - e. Chapter 46, Hawaii Revised Statutes, **county organization and Administration** as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this Proclamation.
  - f. Section 103-2, Hawaii Revised Statutes, **general fund**.
  - g. Section 103-50, Hawaii Revised Statutes, **building design to consider needs of persons with disabilities**.
  - h. Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances**.
  - i. Chapter 103D, Hawaii Revised Statutes, **procurement code**.
  - j. Section 127A-30, Hawaii Revised Statutes, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**.
  - k. Chapter 171, Hawaii Revised Statutes, **public lands, management, and disposition of**.

- l. Chapter 174C, Hawaii Revised Statutes, **state water code.**
- m. Chapter 180, Hawaii Revised Statutes, **soil and water conservation districts.**
- n. Chapter 180C, Hawaii Revised Statutes, **soil erosion and sediment control.**
- o. Chapter 183, Hawaii Revised Statutes, **forest reserves, water development, zoning.**
- p. Chapter 183C, Hawaii Revised Statutes, **conservation district.**
- q. Chapter 183D, Hawaii Revised Statutes, **wildlife.**
- r. Chapter 184, Hawaii Revised Statutes, **state parks and recreation areas.**
- s. Chapter 195, Hawaii Revised Statutes, **natural areas reserves system.**
- t. Chapter 195D, Hawaii Revised Statutes, **conservation of aquatic life, wildlife, and land plants.**
- u. Chapter 198D, Hawaii Revised Statutes, **Hawaii statewide trail and access system.**
- v. Chapter 200, Hawaii Revised Statutes, **ocean recreation and coastal areas programs.**
- w. Chapter 205, Hawaii Revised Statutes, **land use commission.**
- x. Chapter 205A, Hawaii Revised Statutes, **coastal zone management.**
- y. Chapter 264, Hawaii Revised Statutes, **highways.**
- z. Chapter 269, Hawaii Revised Statutes, **public utilities commission.**
- aa. Chapter 341, Hawaii Revised Statutes, **environmental quality control.**
- ab. Chapter 342B, Hawaii Revised Statutes, **air pollution.**
- ac. Chapter 342D, Hawaii Revised Statutes, **water pollution.**
- ad. Chapter 342E, Hawaii Revised Statutes, **non-point source pollution management and control.**
- ae. Chapter 342F, Hawaii Revised Statutes, **noise pollution.**
- af. Chapter 342H, Hawaii Revised Statutes, **solid waste pollution.**
- ag. Chapter 343, Hawaii Revised Statutes, **environmental impact statements.**
- ah. Chapter 343D, Hawaii Revised Statutes, **environmental disclosure.**
- ai. Chapter 344, Hawaii Revised Statutes, **state environmental policy.**

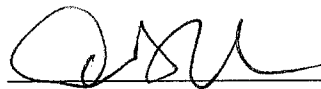
- aj. Section 464-4, Hawaii Revised Statutes, **public works required to be supervised by certain professionals.**

I FURTHER DECLARE that a disaster emergency relief period shall commence this day, and continue through July 30, 2015, except for any projects initiated under this emergency in which case the provisions shall continue until project acceptance and any final accounting or payment obligations have been met, whichever is later.

Done at the State Capitol, State of Hawaii, this 10<sup>th</sup> day of April, 2015.

  
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DAVID Y. IGE  
Governor of Hawaii

APPROVED:



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Douglas S. Chin  
Attorney General  
State of Hawaii