

OFFICE OF THE GOVERNOR  
STATE OF HAWAII

**FOURTH PROCLAMATION  
RELATED TO THE APRIL 2020 KAUA'I FLOODING**

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**, pursuant to Chapter 127A, Hawaii Revised Statutes (HRS), emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

**WHEREAS**, it has become necessary to supplement my Proclamation of April 21, 2020, my Supplementary Proclamation of June 20, 2020, and my Second Supplementary Proclamation of August 19, 2020, relating to heavy rains and flooding; and

**WHEREAS**, the impact of the heavy rains and flooding giving rise to the emergency continues in the County of Kaua'i, State of Hawai'i and requires continued repair, restoration, reconstruction, improvement, and performance of other work on various property, including roadways, bridges, and infrastructure, to protect the health, safety, and welfare of the people of Kaua'i;

**NOW, THEREFORE**, I, DAVID Y. IGE, Governor of the State of Hawai'i do hereby authorize and invoke the following emergency measures for the purpose of implementing emergency management functions as allowed by law and authorizing the expenditure of State monies, as appropriated, for the speedy and efficient relief of the damages, losses, and suffering resulting from the emergency:

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

Section 127A-16, HRS, to continue activation of the Major Disaster Fund.

The following specific provisions of law are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), HRS, to the limited extent necessary for the

Department of Transportation or any agency of the County of Kaua'i to repair or restore public property damaged by this emergency event; to reconstruct, improve, and otherwise perform work on various roadways, bridges, and infrastructure as a result of this emergency event; and to accomplish the emergency management functions contemplated under this Fourth Proclamation and for these limited purposes:

1. Section 6E-8, HRS, **review of effect of proposed state projects.**
2. Section 6E-42, HRS, **review of proposed projects.**
3. Chapter 46, HRS, **county organization and administration**, to the limited extent to which any county ordinance, rule, regulation, law, or provision in any form with respect to county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements may hinder, delay, or impede the completion of projects planned or initiated by the Department of Transportation or County of Kaua'i to repair or restore public property damaged by this emergency event.
4. Section 103-53, HRS, **contracts with the State or counties; tax clearances, assignments.**
5. Chapter 103D, HRS, **Hawaii public procurement code**, to the limited extent to which the requirements of this chapter do not provide for emergency procurement processes.
6. Relating to applicable environmental provisions, Chapter 174C, HRS, **state water code**; Chapter 180C, HRS, **soil erosion and sediment control**; Chapter 183C, HRS, **conservation district**; Chapter 195D, HRS, **conservation of aquatic life, wildlife, and land plants**; Chapter 205A, HRS, **coastal zone management**; Chapter 342B, HRS, **air pollution control**; Chapter 342D, HRS, **water pollution**; and Chapter 342E, HRS, **non-point source pollution management and control**; Chapter 342F, HRS, **noise pollution**; and Chapter 343, HRS, **environmental impact statements.**

**I FURTHER DECLARE** that this Fourth Proclamation supersedes all prior proclamations issued by me related to the April 2020 Kauai flooding, and that the disaster emergency relief period shall continue through December 17, 2020, unless terminated by a separate proclamation, whichever shall occur first. Notwithstanding the

termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, amended, or continued by reason of the provisions of the proclamations relating to this emergency shall continue in full force and effect.

Done at the State Capitol, this  
18<sup>th</sup> day of October, 2020.



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DAVID Y. IGE,  
*Governor of Hawai'i*

APPROVED:



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Clare E. Connors  
*Attorney General*  
*State of Hawai'i*