

OFFICE OF THE GOVERNOR
STATE OF HAWAII
**FIFTH PROCLAMATION
RELATED TO HEAVY RAINS AND 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, emergency powers are conferred on the Governor of the State of Hawai'i to respond to 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, on March 9, 2021, I issued my Proclamation declaring an emergency as a result of emergency conditions created by heavy rains and flooding; and

WHEREAS, I subsequently issued my Second Proclamation Related to Heavy Rains and Flooding on May 6, 2021, my Third Proclamation Related to Heavy Rains and Flooding on July 1, 2021, and my Fourth Proclamation Relating to Heavy Rains and Flooding on August 30, 2021; and

WHEREAS, the conditions giving rise to the emergency continue in the Counties of Maui and Kaua'i, State of Hawai'i, and are adversely impacting efforts to repair, reconstruct, improve, and otherwise perform work on various roadways, bridges, infrastructure, hillsides, and streams;

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, continues in the Counties of Maui and Kaua'i, State of Hawai'i, and hereby incorporate the provisions of my Proclamation of March 9, 2021, my Second Proclamation of May 6, 2021, my Third Proclamation Related to Heavy Rains and Flooding of July 1, 2021, and my Fourth Proclamation Relating to Heavy Rains and Flooding of August 30, 2021, relating to heavy rains and flooding, which shall remain in full force and effect and are included in the provisions of this proclamation unless

amended herein, to the extent necessary for those engaged in emergency management functions to repair, reconstruct, improve, and otherwise perform work on various roadways, bridges, infrastructure, hillsides, and streams and authorize and invoke the following emergency provisions which are expressly invoked, if not already in effect upon this declaration of an emergency:

I. **Suspension of Laws**

The following specific provisions of law are suspended, as allowed by federal law, pursuant to sections 127A-12(b)(8) and 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**, to the extent that compliance requires additional time detrimental to the expeditious and efficient execution of emergency repairs.

Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury; exceptions**, to the extent that appropriations lapse at the end of the fiscal year prior to completion of the emergency repairs.

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, to the extent that legislative authorization would likely delay appropriation transfers or changes between programs to provide necessary funding to complete the emergency repairs.

Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations**, to the extent that the timing of the procurement of the construction of the emergency permanent repairs may occur the fiscal year following the original emergency proclamation.

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, to the extent that compliance results in any delays involved in securing County permits.

Section 103-2, Hawaii Revised Statutes, **general fund**, to the extent that compliance results in any additional delays.

Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services**, to the extent that compliance results in any additional delays.

Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code**, to the extent that compliance results in any additional delays involved in meeting procurement requirements for selecting contractors in a timely manner to respond to emergency situations.

Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works**, to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency repairs.

Chapter 171, Hawaii Revised Statutes, **public lands, management and disposition of**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Land and Natural Resources.

Chapter 183, Hawaii Revised Statutes, **forest reserves, water development, zoning**, to the extent that any repair, reconstruction, improvement, or work is located within a forest reserve.

Chapter 183C, Hawaii Revised Statutes, **conservation district**, to the extent that any repair, reconstruction, improvement, or work is located within the conservation district.

Chapter 205A, Hawaii Revised Statutes, **coastal zone management**, to the extent that compliance results in any additional delays involved with securing approvals from the counties or the Department of Land and Natural Resources for work within the special management area.

Chapter 264, Hawaii Revised Statutes, **highways**, to the extent that compliance results in any additional delays involved with securing approvals from the Department Transportation.

Chapter 341, Hawaii Revised Statutes, **environmental quality control**, to the extent that compliance results in any additional delays involved with securing approvals from the Office of Environmental Quality Control.

Chapter 342B, Hawaii Revised Statutes, **air pollution control**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 342D, Hawaii Revised Statutes, **water pollution**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 342E, Hawaii Revised Statutes, **non-point source pollution management and control**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 342F, Hawaii Revised Statutes, **noise pollution**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 342H, Hawaii Revised Statutes, **solid waste pollution**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 343, Hawaii Revised Statutes, **environmental impact statements**, to the extent that compliance results in any additional delays involved with the environmental review process.

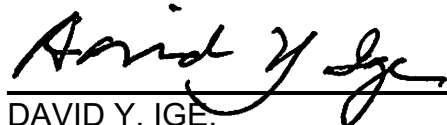
Chapter 344, Hawaii Revised Statutes, **state environmental policy**, to the extent that compliance results in any additional delays involved with the environmental review process.

Section 464-4, Hawaii Revised Statutes, **public works required to be supervised by certain professionals**, to the extent that compliance results in any

additional delays involved with the completing of construction drawings to the point of stamping and signature by a professional engineer.

I FURTHER DECLARE that the disaster emergency relief period shall continue through December 28, 2021, unless terminated or superseded by 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
29th day of October, 2021.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



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