

OFFICE OF THE GOVERNOR
STATE OF HAWAII
**SECOND EMERGENCY PROCLAMATION
RELATED TO WAIMEA LANDSLIDE**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, 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, HRS, 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 January 6, 2022, the Governor issued his Emergency Proclamation Related to Waimea Landslide declaring an emergency as a result of emergency conditions created by the landslide; and

WHEREAS, the conditions giving rise to the emergency continue in Waimea, County of Kaua'i, State of Hawai'i, such that an emergency affecting public health, safety, and welfare currently exists, and the conditions are adversely impacting recovery efforts and 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 (HRS), has occurred in Waimea, County of Kaua'i, State of Hawai'i, and threatens the health, welfare and living conditions of those impacted by this event 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

Section 127A-16, HRS, by activating the Major Disaster Fund.

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

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.

II. Suspension of Laws

The following specific provisions of law are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), HRS, 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, HRS, specifically are made applicable to emergency personnel to the extent necessary for county and state agencies to implement and accomplish the emergency management functions contemplated under this Proclamation, including efforts to repair, reconstruct, improve, and otherwise perform work on various roadways, bridges, infrastructure, hillsides, and streams:

Chapter 6E, HRS, **historic preservation**, to the extent that compliance requires additional time detrimental to the expeditious and efficient execution of emergency repairs.

Chapter 46, HRS, **county organization and administration**, to the extent that 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 efforts to repair, reconstruction, improvement, or work under this Proclamation, to the extent that compliance results in any delays involved in securing County permits. This would include but is not limited to chapter 22, article 7, **grading, grubbing, and stockpiling**,

Section 103-50, HRS, **building design to consider needs of persons with disabilities; review fees**, to the extent that compliance results in any additional delays seeking advice and recommendations from the Disability and Communication Access Board on any construction plans prior to commencing with construction.

Chapter 103D, HRS, **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 174C, HRS, **state water code**, to the extent that compliance results in any additional delays involved with securing approvals from state or county agencies.

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

Chapter 183D, HRS, **wildlife**, to the extent that any repair, reconstruction, improvement, or work is located within game management areas, wildlife sanctuaries, or public hunting areas.

Chapter 195D, HRS, **conservation of aquatic life, wildlife, and land plants**, and chapter 13-124, Hawaii Administrative Rules (HAR), **indigenous wildlife, endangered and threatened wildlife and introduced wild birds** to the extent that any repair, reconstruction, improvement, or work may impact threatened or endangered species and their habitats.

Chapter 341, HRS, **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 342D, HRS, **water pollution control**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 342E, HRS, **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, HRS, **noise pollution control**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

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

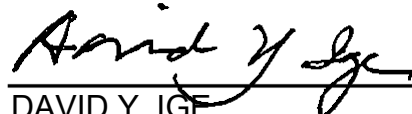
Chapter 344, HRS, **state environmental policy**, to the extent that compliance results in any additional delays involved with the environmental review process.

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 6, 2022, unless terminated or superseded by separate proclamation, whichever shall occur first.

Done at the State Capitol, this 8th
day of March, 2022.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Holly T. Shikada
Attorney General
State of Hawai'i