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 provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, the Pu`u `O`o vent in the East Rift Zone of Kilauea volcano located in the county of Hawaii, State of Hawaii, began erupting on January 3, 1983, and has continued erupting for more than thirty-one (31) years with the majority of lava flows advancing to the South; and

WHEREAS, based upon information from the Hawaii Volcano Observatory, United States Geological Survey, on June 27, 2014, new vents opened on the Northeast flank of the Pu`u `O`o vent that has fed, and continues to feed, a narrow lava flow to the East-Northeast and which continues to advance and which is expected to reach the boundary of the Kaohe Homesteads in the county of Hawaii, State of Hawaii as early as September 9, 2014; and

WHEREAS, all information indicates that the current lava flow will continue to advance to the East-Northeast thereby endangering additional communities in the path of the advancing lava flow and, if unimpeded, will cross Highway 130 at an unknown location and time; and

WHEREAS, the Hawaii Volcano Observatory, United States Geological Survey, raised the Volcano Alert Level from a watch to a warning on September 4, 2014; and

WHEREAS, previous lava flows from the Pu`u `O`o vent in the East Rift Zone of Kilauea volcano have caused losses and suffering, including persons being displaced and properties destroyed in the past; and

WHEREAS, this occurrence of a severe and extraordinary event of volcanic eruptions has generated lava flows which are anticipated to cause damages, losses and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons, and to affect the economy of the State; and

WHEREAS, on September 4, 2014, the Mayor of Hawaii county proclaimed and declared that a local state of emergency exists in the county of Hawaii, State of Hawaii, due to the advancing lava flow in the district of Puna, county of Hawaii; and

WHEREAS, the danger of disaster is of such magnitude to warrant preemptive and protective action in order to provide for the health, safety, and welfare of the people; and

WHEREAS, the county of Hawaii has identified two abandoned roads, Railroad Avenue and Government Beach Road, to be improved and used as alternate emergency roadways to allow ingress and egress to areas that may be cut off from access by the lava flow; and

WHEREAS, the Legislature of the State of Hawaii has appropriated from the general revenues of the State, moneys as may be necessary for expenditure by or under the direction of the Governor for the immediate relief in response to an emergency or disaster; and

WHEREAS, pursuant to sections 14 and 16 in section 2 of Act 111, Session Laws of Hawaii 2014, 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 moneys, 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 disaster; and

WHEREAS, pursuant to section 13(a)(3) in section 2 of Act 111, Session Laws of Hawaii 2014, 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 section 13(a)(2) in section 2 of Act 111, Session Laws of Hawaii 2014, 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 section 2 of Act 111, Session Laws of Hawaii 2014, 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; and

WHEREAS, pursuant to section 12(b)(8) in section 2 of Act 111, Session Laws of Hawaii 2014, 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 (HRS), 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 sections 12(a)(5) and 13(a)(6) in section 2 of Act 111, Session Laws of Hawaii 2014, the Governor may direct or control, as may be necessary for emergency management partial or full mobilization of emergency management organizations in advance of actual disaster; shutting off water mains, gas mains, electric power connections, or suspension of other services; the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after disasters; traffic control; the congregation of the public in stricken or danger areas or under dangerous conditions; and the evacuation and reception of the civilian population; and

WHEREAS, pursuant to section 12(b)(16) in section 2 of Act 111, Session Laws of Hawaii 2014, the Governor is further authorized to order and direct government agencies, officers, and employees, state or local, to take such action and employ such measures for law enforcement, medical, health, fire fighting, traffic control, warnings, and signals, engineering, rescue, construction, emergency housing, other welfare, hospitalization, transportation, water supply, public information, training, and other emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 12(b)(9) in section 2 of Act 111, Session Laws of Hawaii 2014, the Governor may appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, such agencies, officers, and other persons as the Governor deems necessary to carry out emergency relief functions; determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and other persons; and subject to section 2 of Act 111, Session Laws of Hawaii 2014, provide for and effect the interchange of personnel, by detail, transfer, or otherwise, between the State and any political subdivision, or among any agencies or departments of the State; and

WHEREAS, pursuant to section 12(b)(19) in section 2 of Act 111, Session Laws of Hawaii 2014, the Governor may take any and all steps necessary or appropriate to carry out the purposes of section 2 of Act 111, Session Laws of Hawaii 2014 and to provide for civil defense and other emergency functions;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, hereby determine that an emergency or disaster contemplated by sections 14 and 16 in section 2 of Act 111, Session Laws of Hawaii 2014, threatens the State of Hawaii in the above areas in the State of Hawaii, and do hereby proclaim these areas to be disaster areas for the purpose of authorizing the expenditure of State moneys as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the disaster, and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 16 in section 2 of Act 111, Session Laws of Hawaii 2014, by the activation of the Major Disaster Fund.

2. Sections 12(b)(8), 13(a)(2), and 13(a)(3) in section 2 of Act 111, Session Laws of Hawaii 2014, in order to provide emergency disaster relief and, to the extent necessary to repair, restore, rebuild, or re-establish, with any necessary improvements, Railroad Avenue, Government Beach Road, or both, located in the Puna District of the county of Hawaii, State of Hawaii, for the limited purpose of emergency ingress and egress of areas isolated

as a result of the lava flow in this event, I hereby suspend as allowed by federal law, the following statutes:

a. Chapter 6E, HRS, **historic preservation** except for those provisions relating to burial sites.

b. Section 37-41, HRS, **appropriations to revert to state treasury.**

c. Section 37-74(d), **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), HRS, 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, HRS, **lapsing of appropriations.**

e. Chapter 89, HRS, **collective bargaining in public employment.**

f. Chapter 89C, HRS, **public officers and employees excluded from collective bargaining.**

g. Chapter 101, HRS, **Eminent Domain.**

h. Section 103-2, HRS, **general fund.**

i. Section 103-53, HRS, **contracts with the State or counties; tax clearances, assignments.**

j. Section 103-55, HRS, **wages, hours, and working conditions of employees of contractors performing services.**

k. Chapter 103D, HRS, **Hawaii public procurement code.**

l. Chapter 171, HRS, **public lands, management and disposition of.**

m. Chapter 174C, HRS, **state water code.**

n. Chapter 180, HRS, **soil and water conservation districts.**

o. Chapter 180C, HRS, **soil erosion and sediment control.**

p. Chapter 183, HRS, **forest reserves, water development, zoning.**

q. Chapter 183C, HRS, **conservation district.**

r. Chapter 183D, HRS, **wildlife.**

s. Chapter 184, HRS, **state parks and recreation areas.**

t. Chapter 195, HRS, **natural areas reserves system.**

u. Chapter 195D, HRS, **conservation of aquatic life, wildlife, and land plants**.

v. Chapter 198D, HRS, **hawaii statewide trail and access system.**

w. Chapter 200, HRS, **ocean recreation and coastal areas programs.**

x. Chapter 205, HRS, **land use commission.**

y. Chapter 205A, HRS, **coastal zone management.**

z. Chapter 264, HRS, **highways.**

aa. Chapter 269, HRS, **public utilities commission.**

ab. Chapter 286, HRS, **highway safety.**

ac. Chapter 341, HRS, **environmental quality control.**

ad. Chapter 342B, HRS, **air pollution.**

ae. Chapter 342D, HRS, **water pollution.**

af. Chapter 342E, HRS, **non-point source pollution management and control.**

ag. Chapter 342F, HRS, **noise pollution.**

ah. Chapter 342H, HRS, **solid waste pollution.**

ai. Chapter 343, HRS, **environmental impact statements.**

3. I find that Railroad Avenue or Government Beach Road shall be used for emergency or disaster use only during this emergency or disaster.

I FURTHER DECLARE that a disaster emergency relief period shall commence September 5, 2014, and continue through October 15, 2014, 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, whichever is later.

Done at the State Capitol, State of Hawaii, this 5th day of September, 2014.

NEIL ABERCROMBIE
Governor of Hawaii

APPROVED:

DAVID M. LOUIE
Attorney General
State of Hawaii