

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 natural disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate, and proclaim as follows:

WHEREAS, a natural disaster, namely the occurrence of a major landslide on June 2, 2003 (and other prior rockfalls on May 20 and 23, 2003) onto Kalaniana'ole Highway near the intersection of Kalaniana'ole Highway, Pali Highway and Kamehameha Highway (hereafter collectively the "Three Highways"), more commonly known as Castle Junction (hereafter "Castle Junction"), resulted in the closure of a significant portion of Kalaniana'ole Highway for some time causing damage to persons within the City and County of Honolulu, State of Hawaii; and

WHEREAS, there remains a danger of further landslides and rockfalls upon all Three Highways in the Castle Junction area which may force the closure of all Three Highways for a significant period of time and has the potential to cause extensive personal injury and property damage within the City and County of Honolulu, thereby endangering the health, safety, and welfare of the people, and the economy, of the State; and

WHEREAS, to alleviate the danger of further landslides and rockfalls onto any of the Three Highways in the Castle Junction area, certain protective measures must be immediately implemented to significantly reduce the danger of further landslides and rockfalls and potential long term closures of the Three Highways; and

WHEREAS, the Three Highways are the major public routes which provide transportation through the Castle Junction area of the City and County of Honolulu to the Kailua and Lanikai areas, which, due to the landslide and rockfalls and the continuing threat of further landslides and rockfalls, could force the closure of any or all of the Three Highways in the Castle Junction area at any time, thereby blocking access through the area, preventing direct access into the Kailua and Lanikai areas, and forcing residents and businesses in the area to use circuitous

routes such as the H-3 freeway, Likelike Highway, and residential roadways or the portion of Kalanianaʻole Highway through the Makapuu and Waimanalo areas as the primary accesses to and from the Kailua and Lanikai areas of the City and County of Honolulu; and

WHEREAS, efforts are underway to eliminate the danger of further landslides and rockfalls in order to keep all Three Highways open for use by residents and visitors in the Castle Junction area; and

WHEREAS, this severe, sudden, and extraordinary event combined with the potential of additional landslides and rockfalls, has caused, and has the potential to cause, damages, losses, and suffering of such character and magnitude as to severely affect and impact (a) the health, safety, welfare, and living conditions of a substantial number of persons, and (b) the economy of the State; and

WHEREAS, the damages, losses, and suffering caused by the landslide of June 2, 2003, and the rockfalls of May 20 and 23, 2003, and the damages, losses, and suffering potentially attributable to further landslides and rockfalls, are of such a nature as to warrant rehabilitative assistance from the State; and

WHEREAS, §127-10, Hawaii Revised Statutes, provides that when §127-1 to §127-9, Hawaii Revised Statutes (pertaining to disaster relief), are not in effect, the Governor may exercise any and all of the Governor's powers that relate to disasters resulting from enemy attacks, as contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief; and

WHEREAS, because §127-1 to §127-9, Hawaii Revised Statutes, have been indefinitely suspended, the Governor may exercise any and all of the Governor's powers contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief, and during the applicable civil defense emergency period, the provisions set forth in chapter 128, Hawaii Revised Statutes, are made applicable to other disaster relief; and

WHEREAS, in accordance with §127-10, Hawaii Revised Statutes, “other disaster relief” means “the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake, or other natural causes and major disasters caused by acts of man, including but not limited to, massive oil spills, nuclear accidents, airplane crashes and civil disturbances”; and

WHEREAS, pursuant to §128-8(4), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede, is detrimental to, or conflicts with, the expeditious and efficient execution and implementation of disaster relief or other emergency functions; and

WHEREAS, pursuant to §128-9(8), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities, or obstructions to the public health, safety, and welfare, found by the Governor to exist in the laws by suspending 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 §128-10(5), Hawaii Revised Statutes, 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, and other welfare, hospitalization, transportation, water supply, public information, training, and other civil defense and emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to §128-10(10), Hawaii Revised Statutes, the Governor may suspend chapter 103D and §103-50, §103-50.5, §103-53, §103-55, §105-1 to §105-10, and §464-4, Hawaii Revised Statutes, if the Governor finds that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of civil defense and other emergency functions, including the performance of emergency disaster relief functions, or that compliance therewith is impracticable due to existing conditions,

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a natural disaster contemplated by chapters 127 and 128, Hawaii Revised Statutes, has occurred on June 2, 2003, within the Castle Junction area of the City and of County of Honolulu, State of Hawaii, and:

I. Proclamation of disaster. Do hereby proclaim this area to be a disaster area for the purpose of authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the disaster;

II. Exercise of emergency relief powers. Do hereby declare that all preconditions for exercising the powers and authority granted to me under §127-11, §128-8(4), §128-9(8), §128-10(5), and §128-10(10), Hawaii Revised Statutes, have been found and satisfied, and that I hereby exercise such powers and authority in relation to this disaster; and

III. Implementation of specific measures. In order to provide the expeditious and efficient performance, execution, and implementation of disaster relief and other emergency functions, pursuant to and in accordance with §128-8(4), §128-9(8), and §128-10(10), Hawaii Revised Statutes, I hereby suspend, as allowed by federal law, the following sections to the extent necessary to eliminate or significantly reduce the danger of further landslides and rockfalls, and to keep all Three Highways open for use by residents and visitors in the Castle Junction area:

1. Chapter 6E, **historic preservation**
2. Chapter 46, **counties**
3. Section 84-15, **contracts**
4. Chapter 102, **concessions on public property**.
5. Chapter 103, **expenditures of public money and public contracts**.
6. Chapter 103D, **procurement code**.
7. Chapter 104, **wages and hours of employees on public works**.
8. Sections 105-1 to 105-10, **government vehicles**.

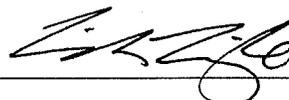
9. Chapter 205, **land use commission.**
10. Chapter 205A, **coastal zone management.**
11. Chapter 264, **highways.**
12. Chapter 269, **public utilities commission.**
13. Chapter 286, **highway safety.**
14. Chapter 341, **environmental quality control.**
15. Chapter 342B, **air pollution control.**
16. Chapter 342D, **water pollution.**
17. Chapter 342E, **nonpoint source pollution management and control.**
18. Chapter 342F, **noise pollution.**
19. Chapter 342G, **integrated solid waste management.**
20. Chapter 342H, **solid waste pollution.**
21. Chapter 342J, **hazardous waste.**
22. Chapter 343, **environmental impact statements.**
23. Chapter 343D, **Hawaii environmental disclosure law.**
24. Chapter 344, **State environmental policy.**
25. Title 12, **conservation and resources, including chapters 171 through and including 200D.**
26. Chapter 444, **contractors.**
27. Chapter 445, **county licenses.**
28. Chapter 448E, **electricians and plumbers.**
29. Chapter 464, **professional engineers, architects, surveyors and landscape architects.**

IV. Pursuant to and in accordance with §128-10(5), Hawaii Revised Statutes, I hereby direct, in order to provide emergency disaster relief, all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to (1) eliminate or significantly reduce the potential danger of further landslides and rockfalls in the Castle Junction area and (2) keep all Three Highways open for use by residents and visitors through the Castle Junction area.

I FURTHER DECLARE that a civil defense emergency period covering the Castle Junction area in the City and County of Honolulu shall commence on June 6, 2003, and shall

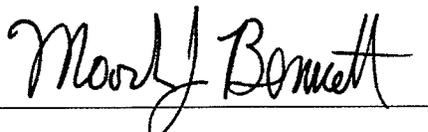
continue until an appropriate time for termination as I will determine in order to implement such measures as may be necessary to eliminate or significantly reduce the danger of further landslides and rockfalls in the Castle Junction area and to keep all Three Highways open for use by residents and visitors through the area.

DONE at the State Capital, Honolulu, State
of Hawaii, this 6th day of June 2003.



LINDA LINGLE
Governor of Hawaii

APPROVED:



MARK J. BENNETT
Attorney General
State of Hawaii