

OFFICE OF THE GOVERNOR
STATE OF HAWAII

SUPPLEMENTARY PROCLAMATION

By the authority vested in me as Governor 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 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 May 3, 2018, relating to lava flows which continues, thereby endangering communities in the Puna District of the County of Hawai'i, State of Hawai'i, in order to provide additional assistance; and

WHEREAS, the lava flow that emerged in the Leilani Estates residential subdivision and adjoining areas located within the East Rift Zone has expanded, continues and, based upon all scientific information available, is expected to continue to flow and advance; and

WHEREAS, the United States Geological Survey has reported that thousands of earthquakes occur every year in the State of Hawaii, some of which are caused by eruptive processes within the active volcanoes; and

WHEREAS, numerous earthquakes, believed to have been caused by volcanic eruptive processes within the active volcanoes, have occurred causing additional damage to property and preceding additional fissures of lava eruptions have developed; and

WHEREAS, at least 36 structures, including 27 residential homes, have been destroyed by the advancing lava flow thereby causing additional losses, suffering, and displaced persons with additional properties expected to be destroyed as the lava continues to flow and advance; and

WHEREAS, officials expect the need to improve, re-establish, or build alternate emergency roadways to allow ingress and egress to areas that may be cut off from access by the lava flow; and

WHEREAS, I have determined that Puna Geothermal Venture, a project owned by Ormat Technologies Inc., a global renewable energy provider, and operated for the purpose of generating electricity through the conversion of geothermal energy is at increased risk of damage or destruction as a result of advancing lava; and

WHEREAS, I have determined that the facilities operated by Puna Geothermal Venture pose an increased risk to the health and safety of the public should the facilities be damaged or destroyed by lava due to the storage and/or presence of flammable and dangerous gases located in the facility or on the property; and

WHEREAS, state and county officials are concerned that protective measures taken by Puna Geothermal Ventures are inadequate to properly ensure the health and safety of the public; and

WHEREAS, Pursuant to the laws of the State of Hawai'i, including but not limited to sections 127A-13(a)(1), Hawaii Revised Statutes, the Governor of the State of Hawai'i is authorized to provide for the isolation or closing of property which is a source of contamination or is in a dangerous condition in any case where, in the governor's opinion, the existing laws are not adequate to assure the public health and safety, and designate as public nuisances acts, practices, conduct, or conditions that are dangerous to the public health or safety or to property; and

WHEREAS, Pursuant to the laws of the State of Hawai'i, including but not limited to sections 127A-13(a)(10) and 127A-21, Hawaii Revised Statutes, the Governor of the State of Hawai'i is authorized to assure the continuity of service by critical infrastructure facilities, both publicly and privately owned, by regulating or, if necessary to the continuing of the service thereof, by taking over and operating the same or acquiring such facilities through requisition; and

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 and does threaten the State of Hawai'i in the County of Hawai'i, and do hereby proclaim these areas to be disaster areas for the purpose of implementing the emergency management functions as allowed by law, authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the emergency or disaster, by expanding the scope and application of my Proclamation in order to provide further emergency disaster relief by including the protection of the public and any relocation, repair, modification, and/or establishment of county or state government roadways, facilities or sites, including, but not limited to those relating to the operations of police, fire, emergency management, public transportation, solid waste management, transitional or emergency housing, or other government functions and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, and in order to provide emergency relief as a result of this event, I hereby suspend as allowed by federal law, the following additional statutes:
 - a. Chapter 6E, HRS, **historic preservation** except for those provisions relating to burial sites.
 - b. Chapter 101, HRS, **eminent domain**.
 - c. Chapter 171, HRS, **public lands, management and disposition of**.
 - d. Chapter 174C, HRS, **state water code**.

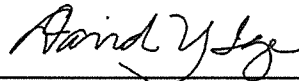
- e. Chapter 180, HRS, **soil and water conservation districts.**
- f. Chapter 180C, HRS, **soil erosion and sediment control.**
- g. Chapter 183, HRS, **forest reserves, water development, zoning.**
- h. Chapter 183C, HRS, **conservation district.**
- i. Chapter 183D, HRS, **wildlife.**
- j. Chapter 184, HRS, **state parks and recreation areas.**
- k. Chapter 195, HRS, **natural areas reserves system.**
- l. Chapter 195D, HRS, **conservation of aquatic life, wildlife, and land plants.**
- m. Chapter 198D, HRS, **Hawaii statewide trail and access system.**
- n. Chapter 200, HRS, **ocean recreation and coastal areas programs.**
- o. Chapter 205, HRS, **land use commission.**
- p. Chapter 205A, HRS, **coastal zone management.**
- q. Chapter 264, HRS, **highways.**
- r. Chapter 269, HRS, **public utilities commission.**
- s. Chapter 286, HRS, **highway safety.**
- t. Chapter 291, Hawaii Revised Statutes, **traffic violations**, to the extent necessary for any state, county, or federal official, employee, agent, contractor, volunteer, or representative to move any vehicles, construction equipment, farm equipment, mobile equipment, or other types of vehicles, equipment, or things not normally licensed for operation or travel on the highways or roadways for the purpose of this emergency or disaster.
- u. Chapter 341, HRS, **environmental quality control.**
- v. Chapter 342B, HRS, **air pollution.**

- w. Chapter 342D, HRS, **water pollution.**
 - x. Chapter 342E, HRS, **non-point source pollution management and control.**
 - y. Chapter 342F, HRS, **noise pollution.**
 - z. Chapter 342H, HRS, **solid waste pollution.**
 - aa. Chapter 343, HRS, **environmental impact statements.**
2. Sections 127A-12(b)(5), and 127A-12(b)(13)-(16), Hawaii Revised Statutes, and I hereby direct county and state officials to identify, including making any investigation or survey pursuant to section 127A-24, Hawaii Revised Statutes, any public utility, critical infrastructure, facility, structure, item, or property that may pose a heightened risk to the public should any of these come in contact with advancing lava and direct any person owning, controlling, or operating any of these to protect and safeguard its or the person's property, and pursuant to Section 127A-11, Hawaii Revised Statutes, I further direct the Director of Emergency Management, the Administrator of Emergency Management of the Hawai'i Emergency Management Agency, the Mayor of Hawai'i County, and the Administrator of the Hawai'i County Civil Defense Agency to coordinate with appropriate county, state and federal agencies and identify subject matter experts as needed to assist them in determining what affirmative actions should be taken to safeguard the public health and safety should any property owner refuse or is otherwise unable to take appropriate actions to safeguard the health and safety of the public, including, in addition to any other authority provided by law, summary abatement pursuant to section 127A-13(a)(1), Hawaii Revised Statutes, or taking over any facility pursuant to Section 127A-13(a)(10), Hawaii Revised Statutes or requisition pursuant to section 127A-21, Hawaii Revised Statutes, to safeguard the public health and safety.

3. Section 127A-30, Hawaii Revised Statutes, relating to any prohibited increase in the selling price of any commodity, whether at the retail or wholesale level, in the area that is the subject of this disaster Proclamation is hereby expanded in scope and shall continue in its entirety for the period of this Proclamation.

I FURTHER DECLARE that a disaster emergency relief period shall continue through July 8, 2018, except that any contracts, agreements, procurements, programs, projects or employment of personnel employment entered into under this emergency or by reason of the provisions of any of my Proclamations relating to this emergency shall continue until completed or they are no longer needed for purposes of this emergency or any of my Proclamations relating to this emergency.

Done at the State Capitol, this 9th day of
May, 2018.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



RUSSELL A. SUZUKI
Attorney General
State of Hawai'i