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, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate, and proclaim as follows:

**WHEREAS**, state and county fire fighters have fought seventeen wildfires on four island since July 1, 2006, which damaged or destroyed approximately 18,436 acres of land; and

**WHEREAS**, state and county agencies have expended considerable funds fighting these wild fires and have exhausted the funds identified for use in fighting wildfires; and

**WHEREAS**, the lack of money and resources gravely compromises the ability of the state and counties to fight wildfires that may arise before the commencement of the next fiscal year on July 1, 2007; and

**WHEREAS**, the National Weather Service has forecast that Hawaii should expect weather for the rest of the year that is drier than normal; and

**WHEREAS**, these drier than normal weather conditions are likely to significantly increase the risk of wildfires in Hawaii; and

**WHEREAS**, there are currently two wildfires burning in the counties of Maui and Hawaii; and

**WHEREAS**, wildfires leave the land vulnerable to soil erosion, take away necessary habitat for threatened and endangered species, create a public nuisance through the presence of partially burned or hazardous trees, and create unsafe conditions for public access; and

**WHEREAS,** forest restoration measures will aid in the prevention of long term soil erosion and nuisance abatement through the removal of hazardous trees resulting from wildfires; and

**WHEREAS,** I find that these state of affairs and circumstances are of such a grave nature as to affect the ability of the state and counties to deal with current and future fires and that these circumstances require the invocation of provisions of Chapter 128, Hawaii Revised Statutes, that are effective only during a period of civil defense emergency; and

**WHEREAS,** the Legislature of the State of Hawaii has appropriated from the general revenues of the State, monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the disaster; and

**WHEREAS,** in expending such monies, 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,** section 127-10, Hawaii Revised Statutes, provides that when sections 127-1 to 127-9, Hawaii Revised Statutes, are not in effect, the Governor may exercise any and all powers contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief and that all provisions of the law provided in chapter 128, Hawaii Revised Statutes, during such period are made applicable to other disaster relief, including without limitation, provisions making or authorizing appropriations or expenditures; and

**WHEREAS,** pursuant to Act 35, Regular Session Laws of Hawaii 1961, sections 127-1 to 127-9, Hawaii Revised Statutes, have been indefinitely suspended and are not in effect, the provisions of chapter 128, Hawaii Revised Statutes, are applicable to other disaster relief; and

**WHEREAS,** pursuant to section 127-10, Hawaii Revised Statutes, other disaster relief includes, but is not limited to 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 section 128-8(4), Hawaii Revised Statutes, 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 conflict with, disaster relief or other emergency functions; and

**WHEREAS**, pursuant to section 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 section 128-10(10), Hawaii Revised Statutes, 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, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

**WHEREAS**, I determine that the automatic prohibitions found in section 209-9, Hawaii Revised Statutes, tend to cause hardships and inequities, are detrimental to a free market economy, are impractical and unwarranted for this fire emergency, and can be relieved by suspending or alleviating provisions of section 209-9, Hawaii Revised Statutes, pursuant to sections 128-8(4) and 128-9(8), upon certain terms and conditions I may impose; and

**WHEREAS**, pursuant to section 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, 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 section 128-10(15), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 128 and to provide for civil defense and other emergency functions.

**NOW, THEREFORE**, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a fire emergency contemplated by section 127-11, and chapter 128, Hawaii Revised Statutes, exists in Hawaii.

**FURTHER**, I find that there is a need to conduct emergency forest restoration activities to mitigate the effects of wildfires, including but not limited to restoration of public access, prevention of soil erosion, removal of hazardous trees, and re-establishment of habitat for threatened and endangered species.

**FURTHER**, pursuant to sections 128-8(4), 128-9(8), and section 209-9, Hawaii Revised Statutes, I hereby suspend the following statutes to the extent necessary to protect, preserve, repair, and restore, with appropriate necessary mitigation and restoration efforts the state's forest reserves, natural area reserve system land, and watershed areas that may be endangered by wildfires:

1. Chapter 46, **county organization and administration**
2. Chapter 6E, **historic preservation** except for those provisions relating to burial sites
3. Chapter 89, **collective bargaining in public employment**
4. Chapter 89C, **public officers and employees excluded from collective bargaining**
5. Section 103-53, **contracts with the State or counties; tax clearances**
6. Chapter 103D, **procurement code**
7. Chapter 104, **wages and hours of employees on public works**
8. Sections 105-1 to 105-10, **use of government vehicles, limitations**

9. Chapter 171, **public lands, management and disposition of**
10. Chapter 180, **soil and water conservation districts**
11. Chapter 180C, **soil erosion and sediment control**
12. Chapter 183, **forest reserves, water development, zoning**
13. Chapter 183C, **conservation districts**
14. Chapter 183D, **wildlife**
15. Chapter 184, **state parks and recreation areas**
16. Chapter 195, **natural areas reserves system**
17. Chapter 195D, **conservation of aquatic life, wildlife, and land plants**
18. Chapter 198D, **Hawaii statewide trail and access system**
19. Chapter 264, **highways**
20. Chapter 343, **environmental impact statements**
21. Chapter 343D, **environmental disclosure**
22. Chapter 344, **state environmental policy**

I FURTHER DECLARE that the provisions of this emergency proclamation shall terminate on June 30, 2007, unless terminated at an earlier date by me.

Done at the State Capitol State of Hawaii, this 27th day of February, 2007

for LINDA LINGLE
*Governor of Hawaii*

SEAL

JAMES R. AIONA JR.
**ACTING GOVERNOR**

APPROVED:

MARK J. BENNETT
*Attorney General*
*State of Hawaii*