OFFICE OF THE GOVERNOR
STATE OF HAWAII

6th SUPPLEMENTARY 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, it has become necessary to supplement my proclamations of March 2, 2006, March 12, 2006, March 14, 2006, March 18, 2006, March 28, 2006, and April 24, 2006 relating to continuous periods of heavy rains and flooding beginning Monday, February 20, 2006 through Sunday, April 9, 2006, which caused localized flooding, saturated ground conditions, and damage to private and public property in the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu; and

WHEREAS, the periods of heavy rains and flooding also caused saturated ground conditions which degraded the stability and lateral support of many hillsides and areas of land leading to mud and rock slides in the State of Hawaii resulting in a continuing risk of additional mud and rock slides; and

WHEREAS, the saturated ground conditions degraded the stability and lateral support of hillsides and areas of land adjacent to State Highway 61, more commonly known as "Kailua Road," thus increasing the risk of erosion and possibility of future mud and rockslides; and

WHEREAS, state officials have been engaged in inspecting the Kailua Road hillside and have identified unstable ground conditions that poses a danger to the public and have taken appropriate actions to protect the public health and safety; and

WHEREAS, Kailua Road, one of two public routes which provide transportation through the Kailua Town area of the City and County of Honolulu, had to be closed for a period of time because of the significant potential for future rockslides and unstable ground conditions which has left Kailua Road severely crippled because of restricted access through the area, preventing or severely restricting direct access into the Kailua area of the City and County of Honolulu, State of Hawaii; and

WHEREAS, because of the instability of the adjacent hillside, one lane of Kailua Road has been and remains closed to traffic; and

WHEREAS, the unstable condition of the hillside adjoining Kailua Road poses a danger of mud and rockslides to the portion of Kailua Road that is still open and being used for travel; and

WHEREAS, prompt, expeditious action is necessary to deal with the unstable hillside to assure the safety of the public; and

WHEREAS, state efforts are underway to protect, preserve, repair, restore, and rebuild, with appropriate necessary improvements and mitigation efforts, the portion of Kailua Road near Kailua Town; and

WHEREAS, President George W. Bush has also issued a declaration on May 2, 2006, that due to the damage in certain areas of the State of Hawaii resulting from severe storms, flooding, landslides and mudslides during the period February 20, 2006 to April 9, 2006 a major disaster exists in the State of Hawaii; and

WHEREAS, in order to provide additional relief and assistance in the repair and restoration of the portion of Kailua Road which was damaged as a result of the heavy rains, it has become necessary to supplement my Proclamations of March 2, 2006, March 12, 2006, March 14, 2006, March 18, 2006, March 28, 2006, and April 24, 2006 to authorize and invoke additional measures under the Hawaii Revised Statutes; 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 conflicts 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

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 128-8(4), 128-9(8), and 128-10(10), Hawaii Revised Statutes exists and I hereby suspend, as allowed by federal law, the following statutes to the extent necessary to repair, restore, and rebuild, with any necessary improvements and mitigation efforts, that portion of State Highway 61, more commonly known as "Kailua Road," near the entrance of Kailua Town between mile marker 21 and 22 that was damaged as a result of the heavy rains in the City and County of Honolulu, State of Hawaii:

1. Chapter 205, **land use commission**
2. Chapter 205A, **coastal zone management**
4. Chapter 269, **public utilities commission**
6. Chapter 341, **environmental quality control**
7. Chapter 342B, **air pollution**
8. Chapter 342D, **water pollution**
9. Chapter 342E, **non-point source pollution management and control**
10. Chapter 343, **environmental impact statements**
11. Chapter 343D, **environmental disclosure**
12. Chapter 344, **state environmental policy**

FURTHER, all provisions and requirements of my Proclamations of March 2, 2006, March 12, 2006, March 14, 2006, March 18, 2006, March 28, 2006, and April 24, 2006 remain in full force and effect and are made applicable for this Supplementary Proclamation.

Done at the State Capitol, State of Hawaii, this 1st day of ~~August~~ September, 2006.

LINDA LINGLE
Governor of Hawaii

APPROVED:

MARK J. BENNETT
Attorney General
State of Hawaii