OFFICE OF THE GOVERNOR
STATE OF HAWAII

7th 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, April 24, 2006, and September 6, 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, efforts are under way to protect, preserve, repair, restore, and rebuild, with appropriate necessary improvements and mitigation efforts, reservoirs, waters, hillsides, roads, and lands that were seriously damaged as a result of the periods of heavy rains and flooding and saturated ground conditions; and

WHEREAS, I find that certain laws are impeding or are detrimental to the expeditious and efficient efforts to protect, preserve, repair, restore, and rebuild reservoirs, waters, hillsides, roads, and lands that were seriously damaged as a result of the periods of heavy rains and flooding and saturated ground conditions; and

WHEREAS, Hawaii will be entering its annual season of rains which will increase the risk of additional heavy rains and flooding; and

WHEREAS, prompt, expeditious action is necessary to respond to the risk to the public that remains as a result of reservoirs, waters, hillsides, roads, and lands that remain seriously

damaged as a result of the periods of heavy rains and flooding and to alleviate the risk to the public should these repairs be prevented before Hawaii experiences any further periods of heavy rains and flooding; and

WHEREAS, in order to provide additional relief and assistance in the efforts to protect, preserve, repair, restore, and rebuild, with appropriate necessary improvements and mitigation efforts, reservoirs, waters, hillsides, roads, and lands that were seriously damaged as a result of the periods of heavy rains and flooding and saturated ground conditions, it has become necessary to supplement my Proclamations of March 2, 2006, March 12, 2006, March 14, 2006, March 18, 2006, March 28, 2006, April 24, 2006, and September 6, 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.

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 protect, preserve, repair, restore, and rebuild, with appropriate necessary improvements and mitigation efforts, reservoirs, waters, hillsides, roads, lands, and other areas and facilities that were seriously damaged as a result of the periods of heavy rains and flooding and saturated ground conditions in the State of Hawaii:

1. Chapter 46, **county organization and administration** to the extent that any county ordinance or regulation impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or is in conflict with, disaster relief or other emergency functions necessary to abate the public nuisance that exists by reason of any reservoirs, waters, hillsides, roads, lands, and other areas and facilities that were severely damaged as a result of the periods of heavy rains and flooding and saturated ground conditions
2. Chapter 6E, **historic preservation** except for those provisions relating to burial sites
3. Chapter 104, **wages and hours of employees on public works**
4. Chapter 171, **public lands, management and disposition of**
5. Chapter 174C, **state water code**
6. Chapter 180, **soil and water conservation districts**
7. Chapter 180C, **soil erosion and sediment control**
8. Chapter 183, **forest reserves, water development, zoning**
9. Chapter 183C, **conservation districts**
10. Chapter 183D, **wildlife**
11. Chapter 184, **state parks and recreation areas**
12. Chapter 195, **natural areas reserves system**
13. Chapter 195D, **conservation of aquatic life, wildlife, and land plants**
14. Chapter 198D, **Hawaii statewide trail and access system**
15. Chapter 205, **land use commission**
16. Chapter 205A, **coastal zone management**
17. Chapter 264, **highways**
18. Chapter 286, **highway safety**
19. Chapter 341, **environmental quality control**
20. Chapter 342B, **air pollution**
21. Chapter 342D, **water pollution**
22. Chapter 342E, **non-point source pollution management and control**
23. Chapter 342F, **noise pollution**
24. Chapter 343, **environmental impact statements**

25. Chapter 343D, **environmental disclosure**

26. 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, April 24, 2006, and September 6, 2006 remain in full force and effect and are made applicable to this Supplementary Proclamation, and all work or other undertaking under this and all prior Proclamations cited above.

Done at the State Capitol, State of Hawaii,
this 15th day of September, 2006.

LINDA LINGLE
Governor of Hawaii

APPROVED:

MARK J. BENNETT
Attorney General
State of Hawaii