
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REASSESS ITS
DECISION TO REQUIRE AN ENVIRONMENTAL ASSESSMENT FOR WORK
BEING DONE BY THE GAS COMPANY TO EXTEND A UTILITY GAS LINE
UNDER MOANALUA ROAD FOR KAISER PERMANENTE AND MOANALUA
MEDICAL CENTER.

1 WHEREAS, the Legislature recognizes that the quality of
2 humanity's environment is critical to humanity's well being, as
3 stated in Chapter 343, Hawaii Revised Statutes; and
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5 WHEREAS, state laws that address the preparation of
6 environmental impact statements were enacted to provide for
7 appropriate consideration of environmental concerns in decision-
8 making, along with economic and technical considerations; and
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10 WHEREAS, generally, an environmental assessment is required
11 for actions that propose the use of state or county lands or the
12 use of state or county funds, with limited exceptions; and
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14 WHEREAS, section 343-6(7), Hawaii Revised Statutes,
15 requires the Environmental Council to adopt rules that provide
16 procedures to establish exemptions from the preparation of an
17 environmental assessment for specific types of actions that will
18 likely have minimal or no significant effects on the
19 environment; and
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21 WHEREAS, Kaiser Permanente's new expansion of its Moanalua
22 Medical Center facility is scheduled to officially open on April
23 17, 2008; and
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25 WHEREAS, to meet The Joint Commission's accreditation
26 requirements, the Moanalua Medical Center is required, among
27 other things, to provide a reliable emergency power system for
28 critical parts of the facility if electricity is interrupted;
29 and



1 WHEREAS, to connect Moanalua Medical Center to the primary
2 fuel source for its emergency generators and steam boilers, the
3 Center must install a six-inch diameter, 1,600 feet long,
4 synthetic natural gas utility line that will cross the Center's
5 property, abut state-owned land along Moanalua Road, and pass
6 under a section of Moanalua Road; and
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8 WHEREAS, in March 2008, the Department of Transportation
9 communicated to Kaiser Permanente that The Gas Company's
10 extension of the utility gas line will require an environmental
11 assessment because the installation of the section of line that
12 passes underneath Moanalua Road comes into contact with state
13 property; and
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15 WHEREAS, the Department of Transportation, in requiring
16 environmental assessments for other recent projects, has relied
17 upon the Hawaii's Supreme Court's decisions in *Kahana Sunset*
18 *Owners Association v. County of Maui*, 86 Hawaii 66 (1997) and
19 *Sierra Club v. Office of Planning, State of Hawaii*, 109 Hawaii
20 411 (2006), which require an environmental assessment for any
21 project that "touches a public roadway" or any "access
22 improvement, easement, drainage, waterline, etc."; and
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24 WHEREAS, a careful reading of these cases would suggest
25 that only large or intrusive projects would require an
26 environmental assessment; for instance, the *Kahana* case
27 addressed the installation of a 36 inch diameter drain pipe
28 under a public roadway that would provide drainage for a new
29 water system serving a subdivision of 300 homes; and
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31 WHEREAS, because these two Hawaii Supreme Court opinions do
32 not address the minimal or no significant effects on the
33 environment that would result from installing a section of
34 utility gas line under Moanalua Road to connect the Moanalua
35 Medical Center to its emergency power supply, they cannot be
36 relied upon as a basis to require that an environmental
37 assessment be conducted for the gas company's extension of the
38 utility gas line; and
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40 WHEREAS, an environmental assessment for the Moanalua
41 Medical Center utility gas line extension project cannot be
42 completed in time for the opening of the Moanalua Medical Center
43 expansion facility on April 17, 2008; now, therefore,



1 BE IT RESOLVED by the House of Representatives of the
2 Twenty-fourth Legislature of the State of Hawaii, Regular
3 Session of 2008, the Senate concurring, that the Department of
4 Transportation is requested to reassess its decision to require
5 an environmental assessment for work being done to extend a
6 utility gas line under Moanalua Road for Kaiser Permanente and
7 Moanalua Medical Center, recognizing that the utility gas line
8 extension requires minimal intrusion into state or county lands
9 and does not significantly affect the environment; and

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11 BE IT FURTHER RESOLVED that certified copies of this
12 Concurrent Resolution be transmitted to the Governor, Director
13 of Transportation, Attorney General, Director of Health,
14 Director of the Office of Environmental Quality Control,
15 Chairperson of the Environmental Council, and the Chief
16 Executive Officer of the Moanalua Medical Center.

