



State of Hawaii
DEPARTMENT OF AGRICULTURE
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TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON
JUDICIARY AND LABOR
TRANSPORTATION AND INTERNATIONAL AFFAIRS
ENERGY AND ENVIRONMENT
OCTOBER 24, 2007
10:30 A.M.

SENATE BILL
RELATING TO TRANSPORTATION

Chairpersons Taniguchi, English, Menor, and Members of the Committees:

Thank you for the opportunity to testify on this Senate bill to permit the operation of an inter-island ferry service in the State of Hawaii while an environmental impact statement is being conducted, while at the same time, ensuring that there is adequate protection of the environment. This bill will also establish an oversight task force for the purpose of examining the impact of inter-island ferry operations on the communities, environment, and harbor and other infrastructures. We strongly support this bill.

There is a critical need for more transportation options and improved transportation infrastructure. Unlike other states which have access to rail and trucks, Hawaii is dependent on only two means of moving products into the State and between islands. Hawaii's farmers and ranchers are geographically disadvantaged compared to mainland farmers and ranchers because of the costs and conditions involved in moving agricultural products across the ocean. An additional ferry vessel will provide more transportation capacity for our farmers and ranchers to reach their markets.

The Department has trained the Superferry staff and is confident that their staff will screen appropriately for agricultural commodities. Superferry has set a higher standard for invasive species mitigation measures which is over and above any other transportation carrier currently operating in Hawaii. Even so, we will continue to monitor their operations.

The Hawaii Department of Agriculture (HDOA) continues to work towards strengthening our biosecurity program to assess and mitigate risks of the introduction and spread of invasive species. The United States Department of Agriculture (USDA) and HDOA will collaborate to assess the movement of red imported fire ant and other invasive species from the continental United States to Hawaii. Together, we will be implementing an Agricultural Quarantine Inspection Monitoring (AQIM) pilot project on the maritime pathway. Due to the concerns about inter-island movement, the Department has requested and USDA has agreed to add on the inter-island segments as well. The long term goal is to facilitate risk-based decision-making by both HDOA and USDA using data that identifies risk factors associated with various entry pathways and commodities destined for Hawaii and between the islands. The pilot project will not be conducted on Superferry alone, but on the entire transportation system.

In summary, large capacity inter-island ferry service creates another important option for farmers to transport their products to market. This can open up opportunities for farmers to expand their customer base and explore different modes of distribution.

LINDA LINGLE
GOVERNOR



BARRY FUKUNAGA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
889 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

October 24, 2007

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

COMMITTEE ON JUDICIARY AND LABOR
COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
COMMITTEE ON ENERGY AND ENVIRONMENT

BILL NUMBER: SENATE BILL NO.

TITLE: RELATING TO TRANSPORTATION

DESCRIPTION: Requires the Department of Transportation to perform an environmental impact statement (EIS) for certain improvements made to commercial harbors. Permits operation of large capacity ferry vessel company prior to completion of EIS upon meeting certain minimum conditions. Establishes a temporary Hawaii Inter-island Ferry Oversight Task Force.

DEPARTMENT'S POSITION: We support this bill to permit operation of a large capacity ferry vessel while environmental studies are conducted, subject to mitigating conditions imposed on the large ferry vessel during operations.

COMMENTS: The Department of Transportation supports the proposed legislation, which encourages and advances viable ocean-based inter-island transportation alternatives in the State of Hawaii. Historically, inter-island ferry operations in Hawaii have proven unsuccessful due to technological restrictions (vessel/hull/engine design), ocean conditions and an inability to compete with air transportation costs. Large capacity ferry vessels, which accommodate passengers, cars and trucks, operate at high speeds and incorporate state of the art hull designs and engine technology, provide the only feasible alternative to our present air-only inter-island passenger transportation option and are, as such, in the public's interest.

The legislature acknowledged and recognized the viability and importance of this alternative mode of inter-island travel through unanimous support of the large capacity ferry vessel project in 2004 through Senate Resolution 74 and SCR 149.

The Department of Transportation believes it is critical for the Legislature

to permit the operation of large capacity ferry vessels and the continued construction and use of State of Hawaii harbor infrastructure pending completion of the required environmental review process. Due to the length of time needed to complete an environmental study, there is the likelihood of the loss of the service if operation cannot be allowed to occur in the near future. Use of harbor infrastructure also generates the revenue necessary to support harbor construction and maintenance projects, including but not limited to those harbor infrastructure improvements made to accommodate large capacity ferry vessels.

The legislation proposed provides a basis for establishing reasonable operating conditions, protocols and mitigation measures for large capacity ferry operations pending completion of the formal environmental review and the Department commits to accomplishing the required Environmental Impact Statement consistent with HRS Chapter 343 and the proposed Legislation.

The Department of Transportation is prepared to work with the temporary task force established by the proposed legislation.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR

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Statement of
THEODORE E. LIU
Director

Department of Business, Economic Development and Tourism
before the

**SENATE COMMITTEE ON JUDICIARY & LABOR,
SENATE COMMITTEE ON TRANSPORTATION &
INTERNATIONAL AFFAIRS**
and
SENATE COMMITTEE ON ENERGY & ENVIRONMENT

Wednesday, October 24, 2007
10:30 A.M.
State Capitol Auditorium

in consideration of
SENATE BILL
RELATING TO TRANSPORTATION.

Chair Taniguchi, Chair English, Chair Menor, Vice Chairs and Committee Members:

The Department of Business, Economic Development, and Tourism (DBEDT) supports the Senate Bill (SB) under consideration relating to transportation, in which the Hawaii State Legislature adopts, clarifies and amends policies providing for continued operation of large capacity inter-island ferry service while any required environmental review and studies are conducted. We support the legislature's explicit finding that the operation of large capacity ferry vessels between Hawai'i's islands is in the public interest.

The department's testimony will focus on the public and private economic benefits that large capacity ferry operations will provide. We defer to other State agencies on specific provisions of the bill that relate to their responsibilities.

In general terms, a steadily growing economy leading to rising wages and a higher quality of life depends, in large part, on improving an economic system's efficiency. Hawaii's economy is unique in that it is comprised of a multitude of islands. Traditionally, there has been less-than-optimum economic integration among the markets of each island. The result is that Hawai'i is not one large market, but a series of small markets. This leads to higher costs, limited markets and lower sales and less income for businesses, service providers and farmers. Reliance on higher-cost air service and longer delivery-time barge service for shipment of goods and products among the islands represents a "friction", the elimination of which will lead to greater economic efficiency. I note that this lack of efficiency is what allows "big box" retailers to compete more effectively against Hawai'i's producers.

Increasing Hawai'i's economic efficiency requires, among other things, improving its infrastructure, including its inter-island transportation infrastructure. The advent of large capacity inter-island ferry service represents such an infrastructure improvement that will lead to the benefits of a steadily growing economy. As the SB finds, large capacity ferry service "provides a real and innovative alternative to existing modes of transporting people, motor vehicles, and cargo between the islands of the state."

The overriding concern with the lack of large capacity inter-island ferry service as a result of judicial decisions is that several key segments of Hawai'i's economy will not be able to develop in a timely manner that benefits all of our residents. Indeed, for some of Hawai'i's businesses, such as in agriculture, this lack of an alternative mode of transportation may threaten their economic viability. As the SB notes, rapid and convenient inter-island

transport of goods, vehicles and people will enhance the quality of life for all residents, on all islands.

DBEDT strongly believes that the better economic integration brought about by a high capacity inter-island ferry system will benefit all of the State's residents, but particularly benefit the residents and businesses of the Neighbor Islands. Farmers and food processors State-wide will benefit in many ways as produce and agricultural products only grown on one island will be easily be shipped to restaurants and markets on the other islands in a timely way, while preserving freshness. Similarly, those providing maintenance, repair and construction services can far more easily travel to and from all islands with their vehicles and equipment to provide reliable, cost-effective service to customers around the state. DBEDT believes this will lead to economic benefit for all Hawai'i residents and an improved quality of life as residents and their families enjoy all the parts of our state.

Recently there has been significant focus on issues relating to energy and global climate change. The State's policy is that Hawai'i must do what it can to reduce its dependence on non-renewable energy sources and reduce its greenhouse gas emissions. As the SB notes, an inter-island ferry will produce fewer carbon emissions than the equivalent airlift carrying cargo and passengers between islands. It provides an efficient and energy conservative mode of travel.

DBEDT also supports the SB's policy that the operation of a large capacity ferry can support civil defense response and recovery under the unfortunate circumstance of a natural or a man-made disaster, be it a major brush fire, earthquake, tsunami or any number of other possible unfortunate events. A high capacity ferry would allow quick deployment of

equipment, supplies, food, medical support and whatever else might be needed to the distressed area. Large equipment and vehicles such as fire fighting apparatus, hazardous materials handling equipment, electric pole and line restoration trucks and other public safety vehicles could get where needed in hours, instead of the days that it could take with present vessels. A high-capacity ferry could also transport significant numbers of injured or sick people, including those not easily accommodated on an aircraft, away from the disaster scene to appropriate medical facilities on another island.

DBEDT fully recognizes the importance of preserving and advancing Hawaii's natural resources – its unique and beautiful environment. DBEDT also recognizes the fragile nature of our eco-systems. These natural resources are the fundamental basis of Hawaii's quality of life and its economy. As such, DBEDT recognizes that certain requirements may be imposed on a high capacity ferry as a condition of operation. We believe that SB strikes the proper balance between allowing a public interest to be served while ensuring that the environment is protected. DBEDT believes that the mechanisms in the SB – Governor's executive order and the task force's reporting requirements – are sufficient to achieve that proper balance.

Finally, DBEDT will be an active participant on the temporary inter-island ferry oversight task force. One of its goals is to examine the impact of ferry operations on the economy, an issue of great importance to the department. We will provide any support needed by the Department of Transportation in carrying out the responsibilities of the task force and reporting to the Legislature and the Governor.

Thank you for the opportunity to provide this testimony.



VOICE & DATA COMMUNICATIONS

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Yes

Aloha State Senators and Representatives,

I appreciate your taking the time to listen to my thoughts, which I have formulated over the past several weeks studying the current debate, as I am sure many other citizens are who truly feel the Superferry transportation mode is one of great benefit to our State, Cities and Counties, and Citizenry. Our challenges are many as we attempt to balance societal needs, technological advancements, ecological concerns, and safety of the oceans for our people and mammals alike. The freedom to move between the islands for recreation, family reunions, business opportunities, cultural events, eco-adventures, hiking, surfing, golf, etc... should not be sidelined by fear, doubt, radical behavior, anti-competitive business forces, or unreasonable legislation.

Those citizens who feel strongly about thwarting this transportation mode, may be the first to run for its decks should some catastrophic event endanger their homes, families, or lives. Look at the wildfires in California today that are destroying personal property, the aina, business investments, and endangering hundreds of thousands of peoples lives and livelihoods. What would happen if an uncontrollable Act of God such as (Lightening, or a Cataclysmal Eruption of Kilauea), or arson were to occur on Maui, Kauai, Lanai, Molokai or the Big island. How will all the people be evacuated in time to save them from peril. They cannot drive to Nevada, Arizona, Oregon or Mexico to escape. Where will they go? How will they get there? Will they stampede the Airport? Will they paddle out to sea? Where will they find shelter, food or support?

Do not let certain vocal minorities or large Grand Fathered industries (none of whom having had to be scrutinized with EIS's), dictate the outcome of this debate. I have traveled enough in the world to know that the environment can be fragile under the burden of misuse and abuse, but in no way can I image this useful transportation mode affecting the environment to such an adverse degree that it should be keep from operating now or in the future with or without an EIS.

Should an EIS, be deemed absolutely necessary, then all existing methods of Inter-Island transportation should be subjected the same set of standards. All should be sidelined while these EIS studies are completed so as not to affect the whales and dolphins that grace our waters. That sounds ludicrous, do is not? How would that affect our daily lives? I have heard some people, and certain legislators pointing fingers at the current State Administration or the DOT. However, I have yet to hear anyone say the Legislature, who could have averted the current situation, had it addressed the potential of a required EIS, three years ago, by clarifying the language of the law or proposing an amendment to the State Constitution, if necessary. If the Legislature, is unwilling to correct the inequities of this EIS ruling, and fails to act swiftly and decisively, then let the people vote to determine the outcome. Use the Internet or Telephone to tally those votes, using Social Security numbers and voter registration verification to legitimize and expedite that process. The technology is available! The Dark Ages are over, no one wants to trample our aina or pollute our neighborhoods. Lord knows there is too much of that going on already, (you know who you are)!

As a businessman, employer and legal resident, the Superferry represents an opportunity for us, as well as, other companies to expand our presence in the State, hire and educate more employees on the outer Islands, provide better service to our clients State Wide and streamline our operating costs, all benefits to our communities. The potential for our technology-based business to deploy mission critical systems fills me with optimism, and a willingness to invest capital into infrastructure, technology and human potential, to implement those services.



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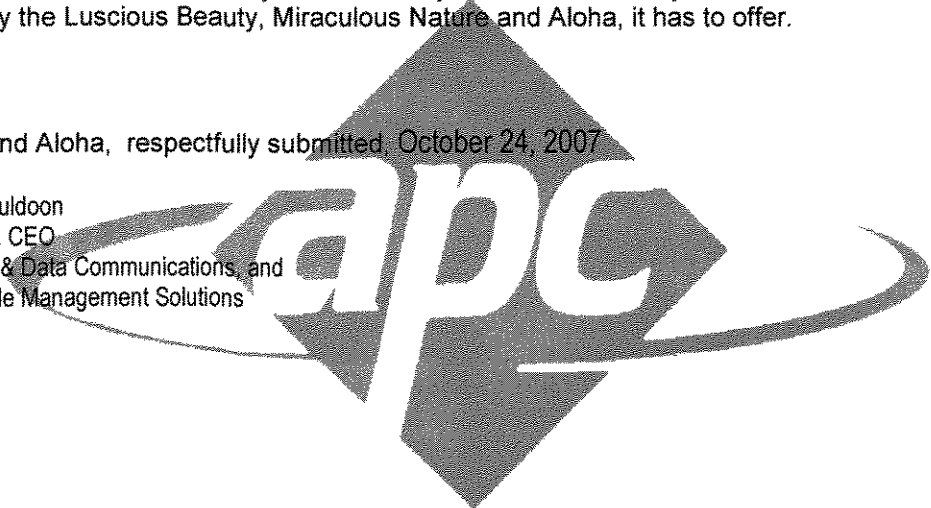
However, a lack of vision, creativity and business acumen on the part of Legislators, Governmental Agencies, Business Leaders, or our Citizens will squelch that willingness to invest money into our people and communities.

Those investments will provide the State with additional GET, and Payroll tax revenues to support the multitude of ever-growing social programs required by that part of our population ill equipped to keep pace with the inevitable changes and challenges life presents us.

I see the Superferry as a vehicle for bringing our State closer together, rather than dividing us into segregated communities. I personally, would love to meet more of my fellow citizens living on the outer islands. After all, life is for the living, and living in Hawaii is a blessing to us all, who call it home. We all deserve the ability to move freely and cost effectively within our State, so we all may enjoy the Luscious Beauty, Miraculous Nature and Aloha, it has to offer.

Mahalo and Aloha, respectfully submitted, October 24, 2007

David G. Muldoon
President & CEO
APC Voice & Data Communications, and
Point-of-Sale Management Solutions



Fairway Navigation, Inc.

Captain Steven G. Baker
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(808) 261-1325, Fax (808) 261-4417

Faxed: Senate Sargeant-At-Arms, 586-6659

October 23, 2007

Testimony in Support of the Hawaii Superferry

Senate Committees on Judiciary and Labor, Transportation and International
Affairs, and Energy and Enviroment

Hearing Date: October 24, 2007

Time & Location: 1030 AM State Capitol Auditorium

My name is Steve Baker and I am a State Harbor pilot for the last 18 years, Federal pilot for 25 years and a professional mariner for 35 years of which the last 27 years I navigated deep draft vessels between the Hawaiian Islands. I've listened to so much misinformation by so-called experts testifying against the Superferry during the last court proceedings it makes my head spin. The operation of the Superferry does not present anything new in technology that has not already operating here between our islands for years. The only difference here is they will operate 10 knots faster than the cruise ships, container ships, and charter vessels that ply our waters daily. All the rest is sad case of the environmental extremists trying to force their agenda on the majority of Hawaii's population.

The State needs and wants a reliable ferry system connecting our islands (and counties). We are a tourist based economy (like it or not) and our neighbor islands are completely dependent on the regular delivery of goods from Honolulu.

A reliable Ferry System makes perfect sense for Hawaii; please do not let a few individuals with isolationist roots ruin this opportunity for the majority who want this. We are on the verge of losing this operation, don't finish it off with unrealistic restraints that will insure it cannot function profitably. Please represent the majority not the unrealistic minority.

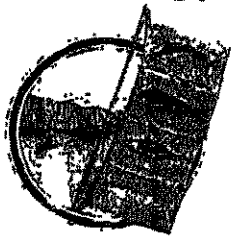
GARDEN & VALLEY ISLE SEAFOOD, INC.

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Honolulu, Hawaii 96817

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To: The Committees!
Attention: SUPER FERRY!
From: Robert S. FRAN

Date: 10/23
Fax #:
Total Pages: 1



This Super ferry will benefit all peoples of our STATE! It simple adds great options for Inter-Island business and commerce! We must not let a few worry warts spoil progress for all!

Robert S. Fran





HAWAIIAN DREDGING CONSTRUCTION COMPANY

P.O. Box 4088
Honolulu, HI 96812-4088
Phone: (808) 735-3211
Fax: (808) 735-3280

October 23, 2007

Testimony of
Hawaiian Dredging Construction Company, Inc.

Hearing on Wednesday, October 24, 2007 at 10:30 am in the State Capitol Auditorium

TO: Senate Committee on Judiciary and Labor;
Senate Committee on Transportation and International Affairs;
Senate Committee on Energy and Environment

FR: HAWAIIAN DREDGING CONSTRUCTION COMPANY

RE: Support of a balanced bill enabling the Superferry to operate during the requisite environmental study period

RESPECTIVE COMMITTEE CHAIRS, VICE CHAIRS, AND MEMBERS OF THE
COMMITTEES:

Hawaiian Dredging Construction Company, founded in 1902, is Hawaii's largest and oldest full-service general contractor, currently employing over 1,300 employees. We fully support a balanced bill that would allow the Superferry to operate—starting immediately—while the requisite environmental studies are conducted.

Hawaiian Dredging takes this position for the following reasons:

- The Hawaii Superferry will contribute significantly to Hawaii's economy. We need this alternative mode of transportation that will benefit many different populations.
- Hawaii's business reputation will be further degraded if the Superferry fails because of this regrettable interpretation and application of the environmental regulations. Such further degradation of our already negative reputation will be very detrimental to our economy going forward.

- The environmental impacts of Hawaii Superferry will be minimal and certainly are mitigable. The environmental studies will identify all the above and mitigations will be enacted and enforced. The environment will be protected.
- To summarize, the benefits of the Hawaii Superferry are substantial and significant and the costs are reasonable and can be reasonably managed.

Hawaiian Dredging Construction Company urges you to hold the necessary Special Legislative Session and craft and pass the requisite bill to support the Hawaii Superferry's survival. My name is Kirt Pruyn, and I am the Assistant Manager of Business Development at Hawaiian Dredging. I can be reached at 735-7411.

Mahalo—we appreciate this opportunity to address you about this important matter.





HAWAII FOOD INDUSTRY ASSOCIATION

820 Mililani St., Suite 810, Honolulu, Hawaii 96813
Phone (808)533-1292 - Fax (808)599-2606 - Email LISHawaii@aol.com
Richard C. Botti, President



October 24, 2007

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair

COMMITTEE ON ENERGY & ENVIRONMENT

Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

Re: Hawaii Inter-Island Ferry Service

Chairs & Committee Members:

The Hawaii Food Industry Association supports allowing the Super Ferry to continue operations while an environmental impact statement is being conducted. In fact, this is the most logical means of conducting an environmental statement, since speculation will not be a part of the study. The study will be in actuality format. This will also allow immediate modifications to any situation that may arise, especially with respect to traffic patterns.

Short of this, the mode of transportation being offered by the Super Ferry is the final vital link that has been attempted as far back as the John Hulten attempt to link our Islands together via a ferry system.

The Legislature must think of this mode of transportation as vital and important as is mass transit for Oahu. If the Legislature creates an atmosphere that will sink the success of this system, then the State should purchase the ships and run it as a State operation, making it the H4 mode of transportation, linking the State together for the common good of all islands and counties. Funding can be created in a similar manner as was the Oahu Mass Transit scheme.

Justification:

- Much of our agriculture is Neighbor Island based. Inter-Island transportation as offered by the Super Ferry will allow a greater opportunity for the sustainability of a local food supply.
- Neighbor Island firms wishing to be an exhibitor in the Made in Hawaii Festival produced by HFIA, will have a far greater opportunity to present their products to buyers from Oahu, the Mainland, and the Far East without leaving the State. This will provide an opportunity not now available to small firms that do not have the capability or financial resources to market their products otherwise.
- Neighbor Island businesses will have far greater access to repair services at less expense, since service representatives that repair equipment will have the opportunity to take their vehicles and repair equipment with them to provide regularly scheduled service visits.

Let's not play the Little Piggy game where your constituents will be crying "wee wee wee" all the way home. We must be the one that went to market in order to maintain a strong local economy.

Inter-Island Ferry

HPACH

919 4th Street
Pearl City, Hawaii 96782

October 24, 2007

Senator Brian T. Taniguichi, Chair
Senator Clayton Hee, Vice Chair
And Committee Members,
Committee On Judiciary and Labor

Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair
And Committee Members,
Committee On Transportation and International Affairs

Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair
And Committee Members,
Committee on Energy and Environment
The Senate, The Twenty-Fourth Legislature
Second Special Session of 2007

Subject: Special Session To Overthrow The Hawaii Court Rulings On
The Superferry, "OPPOSE"

ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. As Sovereign of the Hawaiian Political Action Council of Hawaii I "OPPOSE" Governor Lingle's call for a Special Session to Overthrow the recent Hawaii Court rulings on the Superferry.

On January 16, 1893 another ship came from United States and violated its own constitutional laws. Overthrowing the lawful government of the indigenous people of the Hawaiian Kingdom. Overthrowing the laws of Hawaii is not a new thing to the people of Hawaii. You may fool some of us some of the time, but not all of us all the time. Some of us do learn from history.

I stand strongly united with the people of Kauai in their protection of their Inherent Sovereignty to their National home lands. The Sovereignty of Kauai is Inherent in the people of Kauai.

HPACH

919 4th Street
Pearl City, Hawaii 96782

Oct. 24, 2007

Page 2

The history of Kauai and its people in their protection of their Inherent Sovereignty is well known and documented. Even King Kamehameha I faced the strong will of the people of Kauai. So it's no surprise to me that history was repeated when Governor Lingle went to Kauai and tried to conquer the people of Kauai thru military force and abusive power.

I find the actions of Governor Lingle and Attorney General Bennett in their use of threats of arrest against the people in their right of civil disobedience to be that of a Yankee Gestapo Dictator.

Telling the people of Kauai that they would be arrested for breaking the law. When in fact it is Governor Lingle who in my understanding of the law is breaking the law! This is why it's Governor Lingle who needs the Special Session!

For many years I have supported an ocean ferry type of system for our people of Hawaii to travel between our islands. So I am not Anti-Superferry. What I am and will always be is Anti-Corrupt Public Servants. Public Servants who think that their Spoken Words are those of the Living Gods. That all went out of style after the passing of Kamehameha I.

I further support the 29 Conditions of Operation of Isaac Davis Hall dated October 18, 2007 on behalf of his client, Maui Tomorrow, Inc.

Mahalo Nui to the members of the Senate for your meetings on the neighboring islands and for this hearing. Right now the Superferry is like a "Trojan Horse." There are too many problems facing the Superferry that a Special Session will only add Salt to the wounds.

ALOHA KUU AINA HAWAII


Richard Pomaikaiokalani Kinney, Sovereign
Hawaiian Political Action Council of Hawaii

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<http://www.islandgrower.com/>

Aloha,

My name is Fred Humphrey of Waimanalo Hawaii.

I would like to voice my support of the Hawaii Super Ferry and what it will offer myself as a small business owner. We currently ship several times weekly to the outer islands via Young Brothers and occasionally with Aloha Air Cargo. Having the super ferry available will allow us to deliver our products to our customer's door giving us the opportunity to do a sales call and delivery at the same time using our own vehicles.

I also would like to voice my opinion to the proposed rules to govern the super ferry, some of which are ludicrous. Any rules applied to the super ferry should also be applied to Young Brothers and other carriers such as cruise ships, air cargo and anyone else moving people or cargo between the islands. It would be unfair to hold the Super Ferry to a standard much higher than other businesses because of opposition or the fact that they "came late".

Thank you very much for your time.

Aloha,

Fred Humphrey

testimony

From: Gary Marrow [gary.marrow@kapohokine.com]
Sent: Tuesday, October 23, 2007 6:09 AM
To: testimony
Subject: I support the Hawaii SuperFerry

Please allow the Superferry to run while the environmental studies are being conducted.
Aloha & Mahalo.....



KAPOHOKINE
ADVENTURES, LLC

Gary Marrow II
Tour Operator

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Mobile: (808)-756-4200

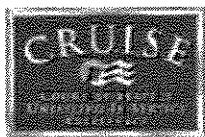
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PACIFIC WHALE FOUNDATION

October 22, 2006

Testimony regarding Hawaii Superferry

My name is Anne Rillero, the Communications Director of Pacific Whale Foundation. I am speaking on behalf of Pacific Whale Foundation's 140 Maui-employees and its 275,000 members and supporters both in Hawaii and around the world.

My message is simple: do not create special legislation that would allow a start-up business to operate without complying with Hawaii's environmental laws -- particularly HRS 343. We believe such an act would be both illegal and unconstitutional.

If, for some unfathomable reason you choose to pursue this unprecedented and slippery legal slope, we recommend the following conditions be made an integral part of any contemplated legislation:

1. **Route:** The HSF should never be allowed to use its proposed "southern route," which transits waters of Penguin Banks and south of Molokai. All travel to and from Maui must be north of Molokai and never enter waters less than 1000 fathoms, unless on entry to and from Kahului or Honolulu Harbors.
2. **Speed:** In waters depths of 1000 fathoms or less, HSF must be limited to speeds of 13 knots or less.
3. **Whales:** Given that HSF acknowledged in court their high-speed vessel has a 100 yard blind spot in front of it, whereby any whale surfacing in this area will be hit (and likely killed), HSF must obtain an Incidental Take permit for endangered humpback and sperm whales found in Hawaii's waters. HSF will be required to apply for such a permit from NOAA's Office of Protected Resources and comply with all such requirements as detailed under Section 10 of the Endangered Species Act prior to operation.
4. **Mitigation of Blind Spot:** To help reduce the likelihood of HSF hitting whales found inside its 100 yard blind spot, HSF must install a series of cameras on its bow, and the video from these cameras be routed to the wheelhouse whereby a dedicated observer be required to monitor them at all times during operation.
5. **Approach Limits:** HSF be required to abide by their own self-imposed approach restrictions to humpback whales based upon the Atlantic Right Whale

Code which limits approach to no closer than 500 yards and requires that should a vessel find itself within 500 yards to a whale, that it reduce its speed to a slow safe speed of 12 knots and depart the area.

6. Marine Life Mitigation Plan: HSF be required to develop, in concert with State and Federal agencies, a Marine Life Mitigation Plan minimizing impacts to whales, dolphins, endangered and threatened turtles and endangered monk seals, and other marine life.

7. Nighttime operations: During humpback whale breeding and calving months, November 1 - June 1, HSF must curtail all nighttime operations. Operation hours will be limited from 30 minutes prior to sunrise to 30 minutes after sunset.

8. Air pollution: To minimize air pollution created by HSF's massive engines, the vessel must be required to burn only on-road diesel, and be encouraged to utilize a bio-diesel blend ensuring lower emissions. Further the vessel should be retrofitted with hospital grade mufflers to reduce emissions.

9. Wake: Wake damage from ferries is a serious problem in all communities where they operate. While within one nautical mile of any shoreline HSF must reduce its speed to 6 knots or less.

10. Research: HSF be required to fund independent research identifying distribution and abundance of cetaceans along its routes and to determine long-range effects of these populations due to its operation.

Pacific Whale Foundation is committed to ensuring all facts are heard and understood and that Hawaii and Federal laws protecting the environment are upheld and complied with. Pacific Whale Foundation President Greg Kaufman will be happy to provide scientific expertise during your deliberations on this sensitive matter.

Again, we urge you to reject any special legislative efforts to exempt Hawaii Superferry from compliance with HRS 343 and other environmental laws.

Sincerely,



Anne Rillero

Communications Director

Paradise

Found

REALTY

Lorraine Kohn, R (Broker)

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L. Kohn
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Kailua Kona, HI 96740-9601

TRANSMITTAL

To: Senate Sgt J Arms Fax: 1 800 586 6659
 From: Lorraine Kohn, R (CRS) Date: 10/23/07 8 2m
 Re: Testimony Pages: cover only

I SUPPORT the SUPER FERRY

I am in favor of letting the Super Ferry run on a provisional basis while an EIS is prepared at state expense.

GO SUPER FERRY!

Lorraine Kohn

SIU



AFFILIATED WITH THE SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA • AFL-CIO

SEAFARERS INTERNATIONAL UNION ATLANTIC • GULF • LAKES AND INLAND WATERS DISTRICT NATIONAL MARITIME UNION

606 KALIHI STREET • HONOLULU, HAWAII 96819 • (808) 845-5222

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UIW NATIONAL DIRECTOR

Senator Brian Taniguchi, Chair
Senate Committee on Judiciary and Labor
Hawaii State Capitol

October 23, 2007

Dear Chair Taniguchi and Committee members,

The Seafarers International Union is pleased to be able to offer **testimony in support** of any measure considered by the Hawaii Legislature that will allow operation of a viable inter-island ferry service. The Seafarers appreciate the efforts of the Legislature to tackle this important issue and to ensure that the people of Hawaii have an important maritime transportation alternative available as a choice of travel between our island communities.

The Seafarers International Union is proud to represent the crew members of the ALAKAI, Hawaii's Superferry. We ask the Legislature to keep in mind that when these women and men, all Hawaii residents, made a commitment to work on the ALAKAI, the Hawaii State Department of Transportation and Judge Cardoza had given their separate "green lights" to the project and there was no reason for those workers to doubt the viability of the ferry project. These workers left other jobs when they made their commitment to go to work on the ALAKAI. We ask that you keep them in mind as you consider all of the issues you will hear presented to you.

The Seafarers Union believes that the inter-island ferry is an asset to our State and we are certain that its crew members are well-trained and fully capable of delivering the highest quality of service to their passengers and the communities they serve.

We ask you to make sure that the inter-island ferry service has the opportunity to prove its value to the State of Hawaii.

Sincerely,



Neil Dietz, Port Agent



Testimony for informational Briefing Tuesday, October 23, 2007, 3 pm,
Kealakehe High School Cafeteria, Kailua-Kona, Hawaii

To:

Committee on Judiciary and Labor

To:

Committee on Transportation and International Affairs

To:

Committee on Energy and Environment

Testimony:

- 1) To pass a law for one company, for one occasion, with the intent to null a court ruling, is not only illegal in most democratic countries, but it also endangers the separation of the three powers judiciary, legislation, executive.
- 2) This law is trying to resolve the negligence of the Hawaii state government to request an EIS, as it is obligatory for receiving federal funds. Instead of working with foresight, the Hawaii state government disregards the enforcement of laws, strictly for monetary reasons.
- 3) Due to last year's earthquake, Kawaihae is still limited in receiving barge shipments. The dock limitations need to be resolved first.
- 4) When cruise ships dock in Hilo, barges are being redirected to Kawaihae, increasing barge traffic at Kawaihae harbor, and increasing container hauling (several hundred containers) from and to Kawaihae.
- 5) The companies at NELHA are increasing their output of water production, requiring more barge traffic from Kawaihae. This will make the ferry landing more challenging.
- 6) The Kawaihae harbor is not as protected against serious weather conditions, as are Nawiliwili or the Hilo harbor. During fall/winter season, frequently barges either are redirected to Hilo, or are delayed docking due to high surf.
- 7) Traffic Kona-Kawaihae, and Hilo-Waimea-Kawaihae, is already serious, without the addition of 200 – 300 additional vehicles. Currently, traffic starts to back up at about 10



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am, with traffic jams from the airport to South Kona/Kealahou after 3 pm. The widening of the road between the airport and Henry Street will only temporarily help, and result in the same back-up just a little bit later than currently. Other by-passes are still far away in becoming reality.

- 8) Truckers already have to deal with long standing-by times in Kawaihae, due to the distance between the harbor and their base station (Kona, industrial parks, Hilo). Increased traffic, docking complications, etc., will increase the transportation cost, and consequently living cost on the Big Island.
- 9) The Superferry is not a cost-efficient alternative to traveling via air. First of all, the rates to/from Honolulu are higher for the Superferry. Second, if you come from Kona, drive more than one hour to Kawaihae (or 1.5 hours from Hilo), spend 30 minutes boarding, 3.5 hours on the trip, some more time disembarking, it will be a 5 to 6 hour trip one way. To do any business etc., you will have to plan at least a two day trip, or three day trip, instead of being able to do it all in one day. Additional expenditures for accommodations will increase the overall expense. Using your own van, or car, would also be far more expensive than renting a vehicle on Oahu (or vice versa) for several days. Whether it's sport teams, classes, etc., the travel cost, and travel time, will be considerably higher. Any reduction in cost will mean that taxpayer's money will be used to subsidize the ferry.

A handwritten signature in black ink, appearing to read "Franz Weber".

Franz Weber
Hawaii Operations and Sales
UNFI-Pacific
76-789 To Place
Kailua-Kona, HI 96740
(808) - 322 - 6633
(808) - 322 - 6636 Fax

✓



970 N. Kalaheo Avenue
Suite C-109
Kailua, Hawaii 96734
Office: 808-254-2525, Fax: 808-254-1525

FAX TRANSMISSION

DATE: 23 October 2007

TO: Sergeant at Arms

ORGANIZATION: SENATE COMMITTEES Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

FAX NUMBER: 808-586-6659

NUMBER OF PAGES (INCLUDING COVER): - 2 -

SUBJECT: RELATING TO TRANSPORTATION, HAWAII SUPERFERRY
(Wednesday, October 24, 2007, 10:30 AM)

Comments:

The attached is written testimony in support of a HB relating to transportation, which will be held at the following hearing:

SENATE COMMITTEES

Wednesday, October 23, 2007
10:30 AM Hearing
State Capitol, Auditorium

Required number of copies: 40

Thank you very much.

Thank you

Rick Shema
President



WINDOW WORKS LLC

DATE:10/23/07

Send to: Senate Committees
 Attention: Judiciary and Labor,
 Transportation and International Affairs
 Office Location: Auditorium, State
 Capitol @ 10:30 a.m.
 Fax Number: 800-586-6659

From: Dory Naea
 Office Location: Kauai, Hawaii
 Phone Number: 822-0763
 Number of Pages, Including Cover: 1

COMMENTS: WINDOW WORKS LLC IN FAVOR OF THE HAWAII SUPER FERRY

ATTN: SENATE COMMITTEES,

PLEASE ALLOW WINDOW WORKS LLC TO CONDUCT BUSINESS WITH EASE OF THE SUPER FERRY. COUNTLESS REASONS COULD BE DUELLY NOTED. IF YOU NEED SOME, SAMPLE BOOKS, SUPPLIES, LABOR, FABRICS, TRAINING, ETC....

Thank you,
 Dory Naea
 Owner/Window Works, LLC

fax cover

Window Works, LLC
 186 Kolekona Place, Kapaa, HI 96746 USA
 (808)822-0763 | fax (808)822-9639 | Cell (808) 639-1499



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 Fax: (808) 973-9613

TESTIMONY OF SANDRA LEE KUNIMOTO
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEES ON
JUDICIARY AND LABOR
TRANSPORTATION AND INTERNATIONAL AFFAIRS
ENERGY AND ENVIRONMENT
OCTOBER 24, 2007
10:30 A.M.

SENATE BILL
RELATING TO TRANSPORTATION

Chairpersons Taniguchi, English, Menor, and Members of the Committees:

Thank you for the opportunity to testify on this Senate bill to permit the operation of an inter-island ferry service in the State of Hawaii while an environmental impact statement is being conducted, while at the same time, ensuring that there is adequate protection of the environment. This bill will also establish an oversight task force for the *purpose of examining the impact of inter-island ferry operations on the communities, environment, and harbor and other infrastructures.* We strongly support this bill.

There is a critical need for more transportation options and improved transportation infrastructure. Unlike other states which have access to rail and trucks, Hawaii is dependent on only two means of moving products into the State and between islands. Hawaii's farmers and ranchers are geographically disadvantaged compared to mainland farmers and ranchers because of the costs and conditions involved in moving agricultural products across the ocean. An additional ferry vessel will provide more transportation capacity for our farmers and ranchers to reach their markets.

The Department has trained the Superferry staff and is confident that their staff will screen appropriately for agricultural commodities. Superferry has set a higher standard for invasive species mitigation measures which is over and above any other transportation carrier currently operating in Hawaii. Even so, we will continue to monitor their operations.

The Hawaii Department of Agriculture (HDOA) continues to work towards strengthening our biosecurity program to assess and mitigate risks of the introduction and spread of invasive species. The United States Department of Agriculture (USDA) and HDOA will collaborate to assess the movement of red imported fire ant and other invasive species from the continental United States to Hawaii. Together, we will be implementing an Agricultural Quarantine Inspection Monitoring (AQIM) pilot project on the maritime pathway. Due to the concerns about inter-island movement, the Department has requested and USDA has agreed to add on the inter-island segments as well. The long term goal is to facilitate risk-based decision-making by both HDOA and USDA using data that identifies risk factors associated with various entry pathways and commodities destined for Hawaii and between the islands. The pilot project will not be conducted on Superferry alone, but on the entire transportation system.

In summary, large capacity inter-island ferry service creates another important option for farmers to transport their products to market. This can open up opportunities for farmers to expand their customer base and explore different modes of distribution.