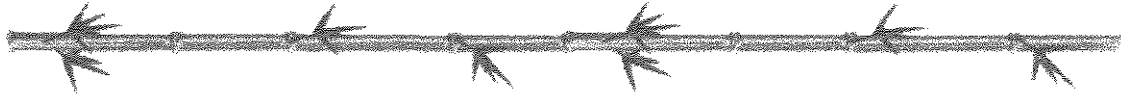


KAT BRADY * P.O. Box 37313 * Honolulu, Hawai`i 96837-0313



COMMITTEE ON JUDICIARY AND LABOR

Sen. Brian Taniguchi, Chair
Sen. Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

Sen. Ron Menor, Chair
Sen. Gary Hooser, Vice Chair

Date: Wednesday, October 24, 2007

Time: 10:30 a.m.

Place: State Capitol Auditorium

Aloha Chairs Taniguchi, English, & Menor!

My name is Kat Brady and I am testifying in my own behalf today.

A special session for the superferry is BAD public policy:

I am absolutely opposed to this special session for a number of reasons.

First and foremost, I believe that it is a **violation of the separation of powers**. There are three branches of government to ensure a system of checks and balances. It is dangerous for the legislature to interfere with an active lawsuit and sets a very bad precedent, at best.

Second, it sends a terrible message to our people and our youth about respect for our laws. The courts have ruled - an environmental impact statement **MUST** be done before the boat sails. How did the ferry respond to this court ruling? They immediately advertised \$5 fares and sailed in defiance of the court's ruling. Why let the superferry off the hook? They violated the law. They should be treated as anyone else who breaks the law.

Third, this is the habitual response to a court decision the administration doesn't like. Every time the court rules contrary to the political agenda of the administration, the administration submits a bill to change or circumvent the law. Bad legal advice has cost the taxpayers of Hawai'i plenty as government officials were allowed to pursue losing cases for their own 'intellectual interest'.

Fourth, holding a special session establishes a dangerous precedent. What will you say to the next developer who asks that you 'fix' a court decision that is unfavorable to his/her proposed project? This opens the door to many dangerous things.

Fifth, even contemplating weakening Chapter 343 – the environmental impact statement law – is an affront. Decades ago, policymakers were wise enough to see that protecting Hawai'i's environment was crucial to the life of her people. This law has served us well and has helped decisionmakers at state agencies make more informed decisions about proposed projects. Everyone benefits when the impacts are assessed. If a developer balks at looking at the potential impacts, that should be a red flag indicating that more analysis needs to be done

The Governor's actions have shown a total disregard for our community and our laws:

Agree or Shut Up: The administration's actions in the superferry mess sent a strong message to the people of Hawai'i saying that if you don't agree with them, you have no voice in the matter. What is going on when the Governor refuses to meet with her constituents?

One voice, right or wrong: The administration's policy of 'one voice' has gotten us into this mess. That 'voice' was wrong, yet everyone lined up behind it, right or wrong. This is dangerous. The future of our state should be debated by many different voices, not a choir. This is precisely why people don't want to participate. They believe it's a done deal before it even starts. This session will confirm that if you bail out the superferry.

Muzzled departments: The state has an obligation to analyze proposed projects. Each department has its own expertise that is employed to make informed, intelligent, and important decisions that will shape our future. After asking several people from different departments why they were silent about the problems inherent in approving the superferry project, someone finally admitted to me that they were not permitted to comment on it.

When the state fails to act, the people do what needs to be done: When the people of Kaua'i jumped into the water and lined the harbor to defend Kaua'i's precious resources, they were actually doing what the state failed to do. They defended their resources when the state failed to do so.

Militaristic response: How did the administration handle the protests on Kaua'i? With a military response, or as the Governor said, A UNIFIED COMMAND. This kind of militaristic response, in my humble opinion, is the earmark of a government that fears its people. As Dwight D. Eisenhower said,

"You do not lead by hitting people over the head – that's assault, not leadership."

I will pass around two photographs that exhibit the shameful display of military force used to silence the voices of the people the governor refused to hear. The pictures of the Coast Guard with their machine guns unsheathed and manned and the SWAT team at Nawiliwili harbor should make everyone cringe. I still can't believe that this happened in Hawai'i and that this elected legislature is allowing our people to be threatened.

Business is more important than the people:

This session sends a message to the community that business is more important than people. Several things of late should make you understand the pressure that is felt by residents on all islands. The poll done by the Hawai'i Tourism Authority clearly showed that the people believe that Hawai'i is being run for the tourists. The residents are not happy about this. This is something for the legislature to take very seriously. Placating the superferry could be the straw that breaks the camel's back. Having a business-only attitude will eventually be our downfall. Please understand the gravity of this situation. The superferry has divided our islands. They have been regularly feeding that divide by their arrogance and

disrespect for our people and environment. I was really hoping that the legislature would help to heal the people from this awful rift. You still can. I hope you will.

The superferry has abused the Aloha Spirit law:

[§5-7.5] The Aloha Spirit.

(a) The Aloha Spirit is the coordination of mind and heart within each person. It brings each person to the Self. Each person must think and emote good feelings to others. In the contemplation and presence of the life force, Aloha, the following unuhi laulâ loa (free translation) may be used:

Akahai, meaning kindness to be expressed with tenderness;

Lôkahi, meaning unity, to be expressed with harmony;

`Olu`olu, meaning agreeable, to be expressed with pleasantness;

Ha`aha`a, meaning humility, to be expressed with modesty;

Ahonui, meaning patience, to be expressed with perseverance.

The superferry has not acted with akahai - kindness or tenderness.

The superferry has not brought lokahi unity or harmony. Instead they have brought strife, division, and dishonesty to Hawai`i. They have ignited a firestorm and have taken no responsibility for that.

The superferry has not acted agreeably - they have ignored the concerns expressed by the people of our islands and have instead used the media to diminish our laws and values.

The superferry has not acted with humility or modesty - they have been arrogant, defiant, and rude.

The superferry has no patience for Hawai`i's laws that protect our fragile environment.

The proposed legislation unravels decades of environmental protection:

Maui Circuit Judge Joseph Cardoza said his ruling was based on Chapter 343 of the state's environmental law which, he said, clearly states an environmental assessment must be done before a project can proceed. In response to the argument the Superferry is no different from barges, cruise ships or airplanes, Cardoza said the ferry is clearly a new technology and a new chapter in transportation in Hawai`i. (Source: October 9, 2007 Honolulu Advertiser "Judge Rules Against Hawai`i Superferry")

Who else will want special favors? What can you say to them if you have already opened this door?

Good policymaking takes thoughtful deliberation amongst a diverse group to consider all ideas and come up with the best of them. This is what creates sound public policy. Sound public policy is not about politics. It is not about doing or receiving favors. It is about creating a legacy. It's about creating the future for your children, their children, and their children's children on down the line. Is this really the legacy you want to leave? Careless destruction and disregard for our laws?

Hawai`i's reputation at risk:

I agree. Our reputation has been tarnished. People around the world can't believe that Hawai`i has so little regard for its environment. People from Tahiti and Moorea know the damage that has been done by fast ferries in their areas. They want to help us understand that if we ignore environmental consequences

it will be at our own peril. They know about invasive species. Their native forests have been decimated by miconia. This is not an environmental threat. It is a sad environmental reality. Hawai'i is the endangered species capitol of the world, why would we threaten what's left?

Why do we want to help a business like the superferry?

If the legislature is so interested in creating another form of inter-island transportation, why wasn't the department of transportation directed to issue a request for proposals for ferry systems? The superferry has exhibited a blatant disregard for Hawai'i laws. They have ignored the concerns of the people, which they knew in 2003. They decided to play politics instead. They lost in court and are now trying to get you to create a special exception for them.

Is this the kind of business that Hawai'i is open for? The superferry has threatened to pull out at every step of the way if they didn't get what they want. Why should the state be held hostage by one business? Why should we help a business that is so arrogant? There must be something that the public doesn't know about in this secret deal. What is it? You seem ready to mortgage our future, the least you can do is tell us what is happening.

It's important to get to the bottom of this super-mess:

It is important that a full investigation be done to get to the bottom of this super-mess brought to us by the administration. Please make sure that the reports from this investigation are open for public review. It is important that this investigation commence immediately. In the spirit of openness and transparency, please unseal the records at the Public Utilities Commission so the public has access to this information.

The people of Hawai'i have spoken in the Sustainability 2050 poll:

The people made it clear that environmental protection is a priority, even if it costs more. How can the legislature ignore this sentiment?

Don't be fooled by the lyin' kings:

It is obvious that the superferry has not been honest. They say that they must be able to sail while conducting the environmental impact review because they can't afford not to.

If they followed the law and did the environmental impact statement in 2003, they would have been done by now. They rolled the dice instead and lost. The court is dispassionate; they just look at the facts and the law and render a decision. They did. No sailing while the EIS is prepared. This is the law.

The newspapers reported that the superferry had to lay off workers, but did they lay off their high priced lobbyists and spin doctors? Judging from their recent actions, I'd say not. This is another shibai. It's just like their drop dead date. Since 2003 there have been many, many, many dates by which they 'needed their approval to operate' or they were leaving Hawai'i. Please don't fall prey to this bullying attitude. It sets a very bad example for our keiki.

The task force:

A thirteen member task force is shibai. The first 5 members are superferry cheerleaders – the one voice crowd + the president of the superferry. The speaker of the house, whose son worked for the superferry and is a big supporter, gets to pick 4 people, 1 from each county including at least one environmentalist,

one person knowledgeable in Hawaiian culture, and one business person. So that is now 9 members of the task force that support the superferry. Even if the senate picks 4 good people who are knowledgeable and independent thinkers, those folks will be seriously outnumbered. So the task force is meaningless, in my humble opinion.

This is NOT AN EIS:

An EIS is a process, an analysis of the potential impacts of a project. How can one fully assess the potential impacts while they are creating them? This is nuts. An EIS follows Chapter 343. THIS IS NOT AN EIS. In my humble opinion, it is an EIP – ENVIRONMENTAL IMPACT PERVERSION. It turns decades of environmental protection on its head. I fear that you don't know really understand the depth of what you are thinking of doing. You are taking an axe to the center beam of the house of environmental protection and you are smashing that beam. You are weakening the entire structure and I weep for your children.

It is so sad to see policymakers unravel decades of environmental protection. I think of your children and theirs and it breaks my heart.

We need policymakers who respect our laws and our people's concerns.

We need businesses in Hawai'i that want to follow the law. Businesses that care about the community.

We don't need more arrogant people flaunting our laws and running over our people.

We need leadership, not a bail out bill for the superferry, to heal our communities from this hewa the superferry has brought on. Please hear the people whose vision is more about legacy than convenience. We are asking you to think about your children, and their children, and those yet to be born.

**PLEASE MODEL GOOD BEHAVIOR
BY SHOWING RESPECT FOR OUR LAWS**

NO BILL

NO SPECIAL FAVORS

Mahalo for this opportunity to testify.

LIFE OF THE LAND

Ua Mau Ke Ea O Ka 'Aina I Ka Pono

76 North King Street, Suite 203, Honolulu, Hawai'i 96817
Phone: (808) 533-3454 * E-Mail: henry.lifeoftheland@gmail.com

COMMITTEE ON JUDICIARY AND LABOR

Sen. Brian Taniguchi, Chair
Sen. Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

Sen. Ron Menor, Chair
Sen. Gary Hooser, Vice Chair

Date: Wednesday, October 24, 2007

Time: 10:30 a.m.

Place: State Capitol Auditorium

Aloha Chairs Taniguchi, English, & Menor!

My name is Henry Curtis and I am the Executive Director and the Vice President for Consumer Affairs at Life of the Land, Hawai'i's own environmental and community action group advocating for the people and the 'aina since 1970. Our mission is to preserve and protect the life of the land through sustainable land use and energy policies and to promote open government through research, education, advocacy, and litigation.

Environmental Impact Statements were adopted by a Governor's Executive Order in 1973 and codified as HRS Chapter 343 in 1974. Following the ConCon of 1978, the Legislature wrote a "Findings and purpose," codified as Chapter 343-1 "The legislature finds that the quality of humanity's environment is critical to humanity's well being ... The legislature further finds that the process of reviewing environmental effects is desirable ... and public participation during the review process benefits all parties involved and society as a whole. It is the purpose of this chapter to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations."

The Hawai'i Supreme Court ruled in *Molokai Homesteaders Coop. Ass'n v. Cobb* 63 H. 453,

629 P.2d 1134 (1981) that the EIS law "contemplates consideration of secondary and nonphysical aspects of proposal, including socio-economic consequences."

On April 3, 2003 the Senate proposed strengthening the EIS law to catch large projects which had evaded environmental review: "the legislature finds that proposals for privately financed wastewater facilities, waste-to-energy facilities, landfills, oil refineries, or power-generating facilities on private lands fail to trigger an environmental review under current law. Thus, this Act specifically includes these types of proposed actions within the scope of chapter 343."

Fifty-four weeks later, on April 19, 2004, the bill passed final reading in both houses without any opposition: 42-0 (House) 24-0 (Senate). During the final days of the 2004 Legislative session, on May 5, Governor Lingle signed HB1294 SD1 CD1 into law as Act 55.

In the summer of 2003 Life of the Land attended a 2 hour meeting with John Garibaldi et al. LOL Assistant Executive Director Kat Brady specifically discussed invasive species, and what is done by the military to prevent their movement between islands. It was clear to us then that Mr. Garibaldi intended to grease his way through the process rather than follow state law.

The compromise being suggested by proponents is that

- * the ends justify the means (Superferry so critical how we get it is unimportant);
- * laws are for most people but not for those who are politically connected;
- * politics can and should override good science;
- * hastily arrived at political decision should override careful judicial analysis;
- * because some ocean carriers existed prior to Chapter 343 being enacted, some ocean going ships are small, and others have evaded writing an EIS, ergo, therefore the Superferry should also be able to violate these laws.

Like we could tell a cop who stopped us for speeding and drunk driving, its really okay because for years it was allowed, or the enforcement was spotty, or whatever.

If the state wants a Superferry it should put out a Request For Proposals with the requirements that Applicants (1) want to protect environmental law; and (2) obey the law.

Mahalo

Henry Curtis
Executive Director

Bruce Pleas

From: "Bruce Pleas" <hisurf3@hawaii.rr.com>
To: <testimony@capitol.hawaii.gov>
Sent: Tuesday, October 23, 2007 6:43 PM
Subject: Superferry testimony

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight
Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Bruce Pleas
PO Box 721, Waimea, Hawaii 96796
Tel (808) 337-9509/639-2850
Email hisurf3@hawaii.rr.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary I. Hooser, Vice Chair

MY POSITION:
I HAVE ATTENDED ALL (5) OF THE SUPERFERRY MEETINGS ON KAUAI, HAVE PRESENTED TESTIMONY AND ASKED QUESTIONS WITH MINIMAL RESPONSE FROM BOTH THE DOT AND SUPERFERRY REPRESENTATIVES. ANY QUESTIONS ABOUT AN EIS HAVE BEEN COMPLETELY PUT ASIDE WITH THE RESPONSE FROM MR. FUKINAGA THAT "THE EIS ISSUE WILL NOT BE DISCUSSED AS IT HAS BEEN DECIDED THAT NO EIS IS REQUIRED." THERE HAS ALSO BEEN NO MOVEMENT FROM THE SUPERFERRY REPRESENTATIVES ON BRINGING THE COUNTY INFRASTRUCTURE UP TO THE LEVELS REQUIRED FOR AN INCREASE IN TRAFFIC TO THE NAWILIWILI AREA AND AT COUNTY PARKS.

I AM OPPOSED TO ANY SPECIAL SESSION TO PROVIDE AFTER THE FACT

**LEGISLATION ON THE JUDICIAL DECISIONS ON THE ADMINISTRATIONS
ACTION NOT TO REQUIRE AN EIS FOR STATE EXPENDITURES ON THE
SUPERFERRY.**

**PLEASE UPHOLD THE TWO JUDICIAL DECISIONS AND VOTE NO TO ANY
SPECIAL SESSION BILL THAT WOULD ALLOW THE SUPERFERRY TO OPERATE
DURING AN EIS.**

I am also asking along with many other people that you please honor the Court's decision to require an Environmental Review of the IIDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill (which I would consider an illegal bill since it is an after the fact bill that is against the principles of the checks and balances system that our democracy is based upon, once the Judicial decision is rendered all the Legislative Branch can change is LAW for the future, not the past), please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Mahalo,
Bruce Pleas

From: cindy <maluhina@hawaiiantel.net>
 Subject:
 Date: October 23, 2007 6:28:01 PM HST
 To: cindy <maluhina@hawaiiantel.net>

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Cindy Granholm

3617 Keoniana Rd., Princeville HI 96722

Tel 808-827-8023

Email maluhina@hawaiiantel.net



**THE SENATE
 THE TWENTY-FOURTH LEGISLATURE
 SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

One example of the 29 conditions: require that people disembarking are asked if they are camping and if so, they must show a reservation and fee paid for the official campground. Senator Hemmings said in response to this condition: no. People can camp wherever they want. Do the laws not apply to residents from Oahu camping on Kauai? And if not, why not? Another: people cannot raid the natural resources of outer islands. Lisa Munger, attorney for Superferry said: no. These natural resources belong to everyone, residents and visitors. So that means people should be able to load up their pickup trucks with whatever they want and go home with it? This is wrong. The HSF will not have enough inspectors to stop this practice. We will all suffer. Tourism, the most important economy to Hawaii, will suffer. Many tourists will not return if our environment is destroyed and we are no different from anywhere else.

Please respect the decision of the Hawaii Supreme Court and Maui Circuit Court --- no Superferry until an EIS is performed.

From: Cathy <tradewindsia@hawaiiintel.net>

Subject:

Date: October 23, 2007 6:48:06 PM HST

DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Cathy Granholm

ADDRESS: 3617 Keoniana Rd., Princeville, HI 96722

Telephone: 827-8023

Email: tradewindsia@hawaiiintel.net



THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 20 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

I am one of the many residents of Kaua'i who testified at the meeting on our island on Sunday, October 21. I believe that the Superferry should never have been allowed to circumvent the laws protecting our environment. The Supreme Court has ruled that this was an error, and we do not want our representatives to overturn our environmental protections to help a private company. Governor Lingle has refused to hear our concerns and we do not trust her to protect our islands from threats like invasive species, theft of our resources and whale strikes caused by a ship traveling three times as fast as cruise ships. We also do not trust the Superferry representatives like attorney Lisa Munger, who said that the people from Oahu who filled their trucks with rocks on Maui were allowed to take any of Maui's resources, since they belong to residents and visitors.

Perhaps the Superferry could be used to carry residents and visitors on Oahu around that island. We do not want it here.


**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force,
etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: David Mogilefsky
2751 Kauhale Street
Kihei, Hawaii 96753**

Signature) 

Phone 808-870-9436

Email: MauiSun@hawaiiintel.net

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

To the Hawaii Legislature:

You are proposing a blatant attack on democracy, and the constitutional principle of separation of powers. You seem to want to eliminate the function of the judicial branch in Hawaii, and just have legislative and executive branches of government.

Article 3, Section 1, of the Hawaii Constitution, which you all took an oath to uphold, says that the powers of the legislature must be consistent with the Constitution of the United States. The US Supreme Court ruled, in a case

Page 2 of 2

called *Plaut v. Spendthrift Farm (514 US 211)*, that for a legislative body to overrule a final judgment of the highest court in the jurisdiction is a clear violation of the constitutional principle of separation of powers.

The final judgment of the Hawaii Supreme Court was not an injunction. It just said that the Superferry Company has to *proceed* under our main environmental law, HRS 343. That would set the project back, but would not enjoin it from eventually happening. All it takes to put the Superferry on hold for awhile is money.

The Maui court was forced to issue an injunction because Superferry Company refused to comply with the final decision of the Hawaii Supreme Court. Superferry Company refused to come up with the money to put the project on hold.

Pass this legislation, and the Superferry Company, along with the Dept. of Transportation, are just going to end up back in court, possibly for years. And, I believe the bottom line is that the courts will not let you get away with this. -Because this is America, and the Kingdom and State of Hawaii - not some communist bloc country back in the 50s.

#####

David Mogilefsky
2751 Kauhale Street
Kihei, Hawaii 96753
(808)891-1602

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Fax: 1.800.586.6659

Concerning: Hawaii Superferry

Reference: Wednesday, October 24, 2007 10:30am session

As Executive Director of Maui Tomorrow I strongly oppose the operation of Hawaii Superferry while it undergoes an Environmental Review. To allow Superferry to operate during this process clearly violates unambiguous Hawaii law.

I urge the Legislature not to pass this unconstitutional special legislation for one single business. If legislation is passed and Superferry is allowed to begin service, I feel compelled to ask for conditions to limit the speed at which this vessel travels through Hawaiian waters, due to the high risk to humpback whales, a federally protected endangered species.

This fast ferry is unlike any other in Hawaiian waters; traveling at speeds of over 35knots. The US Coast Guard classifies "high speed" vessels as any traveling over 32knots; most vessels in Hawaii, including cruise ships, barges, and tankers, travel at maximum speeds of 20knots with average speeds much slower than that.

As stated in 11 days of testimony by recognized whale experts before Judge Cardoza, Superferry's plan of reduce speeds of 25knots when traveling through Sanctuary waters is clearly not slow enough.

Extensive research shows that at 18knots whales strikes result in the animal's death. NOAA recommends speeds of no more than 13knots when traveling through humpback whale breeding areas.

Hawaii Superferry's proposed speed is unacceptable and should be limited to 13 knots when traveling through a national preserve for an endangered species; please include this same 13 knot limitation to the first 10 miles of exits and entrances to Honolulu, Kahului, Kawaihae, and Nawiliwili harbors.

The Supreme Court stated in its unanimous decision, "The Superferry presents particular risks that are not borne by the existing methods of transportation." Please don't abandon the protection of the environment to the same administration that has been dedicated, for many years, to minimizing legitimate concerns about the Superferry project. Consider these risks and their consequences as you decide the fate of Hawaii Superferry and this state's environmental future. Please add meaningful conditions to this bill.

Thank you.

Irene Bowie/Maui Tomorrow Foundation, Inc.

PO Box 299, Makawao, HI 96768

808.268.0303

Submitted 10/23/07

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

"Building with Hawaii's Professionals since 1955"

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Peter Melnyk
Hawaii Vinyl Fencing, Inc.

Roy Ogawa
Oliver Lau Lawhn Ogawa & Nakamura

October 24, 2007

Senator Brian Taniguchi, Chair
Committee on Judiciary and Labor
Senator J. Kalani English, Chair
Committee on Transportation and International Affairs
Senator Ron Menor, Chair
Committee on Energy and Environment

RE: Support for Hawaii Superferry

Chairs Taniguchi, English, Menor and Members of the Respective Committees on Judiciary and Labor, Transportation and International Affairs, and Energy and Environment:

The Building Industry Association of Hawaii (BIA-Hawaii) expresses its strong support for the Hawaii Superferry as an alternative means of transportation between our islands for individuals and businesses. Small and medium sized businesses can benefit from expanded opportunities for their goods and services on other islands.

The Hawaii Superferry offers a choice in travel modes and another way of shipping supplies to another island. Many of our contractors conduct business on neighbor islands and would benefit from the option of transporting their workers and cars to the job sites on neighbor islands.

BIA-Hawaii's support of the Hawaii Superferry is offered with due respect to the Legislature's ultimate decision on the requirements of the legislation.

Respectfully submitted,



Mary Flood
President Elect
BIA-Hawaii



Written Statement of
YUKA NAGASHIMA
Executive Director & CEO
High Technology Development Corporation
before the

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TAXATION

Wednesday October 24, 2007
1:30 PM
State Capitol, Conference Room 224

In consideration of

Pending Referral to EDT
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE BOARD OF
DIRECTORS OF THE HAWAII STRATEGIC DEVELOPMENT CORPORATION,
GUBERNATORIAL NOMINEE, DARREN T. KIMURA
FOR A TERM TO EXPIRE 6-30-2010

Chair Fukunaga, Vice Chair Espero, and Committee Members:

It is my pleasure to support the appointment of Darren Kimura to the Board of Directors
of the Hawaii Strategic Development Corporation (HSDC), a "sister" agency and strategic
partner to the High Technology Development Corporation.

Mr. Kimura is founder and chairman of Sopogy, Inc.; a Hawaii company dedicated to
enabling the renewable energy economy by dramatically increasing energy production through
widespread use of its Concentrated Solar Power (CSP) technologies. Sopogy offers a cost-
effective method for producing electricity and by-products that include steam, desalination,
hydrogen, absorption cooling and hot water heating. As head of Sopogy, Inc., a recipient of
HTDC's statewide incubation services program, and occupant at the Manoa Innovation Center,
Mr. Kimura understands the needs of start up technology ventures. We are confident of his
ability to contribute to and grow Hawaii's technology industry given his experience and
knowledge.

Thank you for the opportunity to submit testimony and I encourage your favorable vote
on his behalf.

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE**

**COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair**

**Testimony regarding Superferry Special Session
Given October 22, 2007, Maui, Hawaii**

Reference: Wednesday, October 24, 2007 10:00am session

Please distribute to all Senators

**From: Richard Michaels, 96 Makena Road, Kihei, HI 96753
(808) 879-9341**

All the editorials in Honolulu praised the citizens of Maui for taking our case to the courts and not to the water. "The law is the law," they said. "Don't break the law to get your voice heard – let the courts decide."

Well, we did that. And the courts have decided. Despite our shallow pockets compared to the State of Hawaii and the Hawaii Superferry, we have won summary judgments from the State Supreme Court and the 2nd Circuit Court. The State must do an environmental assessment and the Superferry cannot operate until the assessment is complete and accepted because it may do "irreparable harm."

Irreparable harm. Unfixable.

That is why we do an EIS – to prevent irreparable harm by identifying impacts that may do irreparable harm and mitigating them BEFORE the operation begins.

But now you are threatening to circumvent those rulings.

What kind of a message does that send?

How do we teach our children to obey the law and respect the courts if our government doesn't? How do we get them to obey speeding laws and not use crack cocaine, not only because it is against the law but because it will do them irreparable harm? What do we say to them when they retort that if the government doesn't obey its own laws, why should I?

**And what would be the message you are sending to the people?
Damn the courts, full speed ahead?**

Wouldn't you be saying that the courts don't matter, leaving taking to the water as the only successful way to actually stop the ferry?

So far Maui's residents have been calm, deferring to the legal system for protection. But if you vote to nullify the courts' decisions, you can count on the people of Maui to find another way to have their voice heard.

If you do the right thing, with a little patience, we can have it all – environmental protection and the Superferry. We've managed to get along just fine without it up till now – a little more time won't make any difference.

But if you reject the court's decision, this is a tragedy waiting to happen.

KITV4 reported Sunday night that the state has already spent \$18,000 on riot gear. When someone is injured or killed it will be on the heads of the legislators. It will be your responsibility if you set an example by saying the way to get what you want is to circumvent the law.

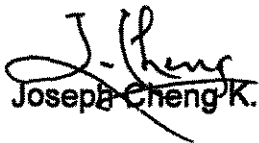
So respect our courts. Enforce the law. Reject this illegal, ill-advised bill.

Sir,

I live in Honolulu for over 30 years. I have friends in different islands. When I go to visit them, I have to travel by air and then I have to rent a vehicle to drive around. It is very inconvenient and cost a lot of money. If we have the Superferry running, we can take our own vehicle & take the Superferry. This will save us a lot of money because we do not need to rent a car when we are on a different island. It is very convenient. In Vancouver, they have to superferry and a lot of people drive their vehicle on the ferry and that is very convenient.

Hawaii is very congested. We have no Sub-ways like Hong Kong & China. If we have to go out of Honolulu, we have to go by air. This cost a lot of money and not many people can afford that. Why can't the State government help the poor citizens and give them something, such as the Superferry and keep it running!

Thanks!


Joseph Cheng K.



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819
Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272
Fax: (808) 848-1921; e-mail: info@hfbf.org

October 24, 2007

HEARING BEFORE THE
SENATE COMMITTEE ON JUDICIARY /
SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS /
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

TESTIMONY ON SUPERFERRY

My name is Alan Takemoto, Executive Director of the Hawaii Farm Bureau Federation. We represent both the social and economic well being of about 1,600 farm family members throughout the state.

The Hawaii Farm Bureau on behalf of its' member farmers, ranchers and farm organizations strongly supports allowing the operation of the Super Ferry during the completion of an EIS.

An overabundance of financial and personnel resources is not available in Hawaii. Therefore, strategic decisions need to be made to address societal, environmental and economic needs. We strongly believe that the Super Ferry provides the first step towards expanding interstate transportation capacity which has been determined to be in a critical state.

We are very cognizant of the environmental risks associated with the Super Ferry, but place them in perspective with the rest of the modes of transportation. Data from the Hawaii Department of Agriculture clearly indicates that the risks are greater from other existing transportation systems. The nettle caterpillar moved between islands and there was no Super Ferry. The volume of movement by these other systems are significantly greater than the Super Ferry. Additionally we strongly believe intrastate commerce poses a greater risk to Hawaii agriculture and ecosystem than interstate commerce. As such we strongly oppose any redirection of resources from existing programs to Super Ferry. If there is such a redirection it should only be done with a complete understanding of the possible outcomes. It will be unreasonable to expect the Department to continue their existing programs as well as significantly increase the level of scrutiny of Super Ferry.

The Super Ferry does offer alternatives in achieving Third Party Food Safety requirements. Congested harbor and port facilities currently do not have the capacity to

meet all of the conditions associated with Food Safety Certification. Loading a refrigerated container at the storage warehouse without need to transfer at the harbors and again transfer at the destination, reduces exposure of produce to the outside environment. These factors are critical in determining perishability of produce and ultimately food safety. Produce exposed to ambient temperatures of significant periods of time have a greater risk of increased pathogen loading than those kept under refrigerated conditions. A significant problem is also the "sweating" of produce as they are exposed to cold, then warm temperatures in multiple cycles. Rotting of this "wet" produce is greatly enhanced. Good transportation systems are critical components to reaching the States' goal of increased self sufficiency and sustainability.

Education of those using the Superferry should be of high priority. There is a responsibility associated with the privilege of having access to this transportation alternative. We respectfully urge a timely decision on this matter that will benefit Hawaii.

FAX to Capitol Senate Session (1-800-586-6659)

Relating to SB 1 Relating to Transportation

Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Warren S. Shibuya
35 Kulamau Circle
Kula Maui, HI 96790-8273
Email: Ob1Shibuya@Hawaiiantel.net

THE SENATE
 THE TWENTY-FOURTH LEGISLATURE
 SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

MY POSITION: Please honor both Court's decisions requiring an Environmental Review of the HDOT Harbor project, including review of Kahului Harbor) BEFORE allowing the Superferry to operate. Concurrent EA/EIS review and Superferry operating is unacceptable due to "irreparable harm!"

Move to dismiss and avoid further contentious Court actions, added State litigating costs and increasing public distrust and disgust with State leaders and lawmakers!

If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the Court testimony during the recent trial).

Victor Pellegrino

From: "Victor Pellegrino" <booksmaui@hawaii.rr.com>
 To: <HouseRecord@Capitol.hawaii.gov>
 Sent: Tuesday, October 23, 2007 11:18 PM
 Subject: Vllctor Pellegrino, Owner, Noho`ana Kalo Farm - Maui

Relating to HB 1 Relating to Transportation Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Thursday, October 25, 2007

TIME: 9:00am

PLACE: Auditorium

Please distribute copies to the House members. Mahalo.

FROM: Victor Pellegrino

P.O. Box 967

Wailuku, HI 96793

808-242-4642

x (Your Signature: Victor Pellegrino

booksmaui@hawaii.rr.com

HOUSE OF REPRESENTATIVES

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 2007

COMMITTEE ON

TRANSPORTATION

Rep. Joseph M. Souki, Chair

**Rep. Scott Y. Nishimoto, Vice
Chair**

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice Chair

I am a kalo farmer in Waikapu. We are the only kalo farmers in Waikapu, which in 1865 had 1,800 lo`i kalo. We are restoring 12 lo`i kalo that date back

to before 1800. These are the only lo`i kalo in Waikapu.

We are constantly vigilant about protecting our kalo, our way of life, and our livelihood. Invasive species can bring utter destruction to our farm.

Please honor the Court's decision to require an Environmental Review of the

HDOT Harbor project BEFORE allowing the Superferry to operate. Please follow the law so that my children and grandchildren will be proud owners of my farm and know that it was made safe by ensuring the enviornmental protection necessary. In addition, doing so will be living proof that the law is more important than our current encomical situation. If we do not protect our environment, what then will happen to our "economy?"

**You are the lawmakers...not the lawbreakers. You have heard from
testifiers
from three islands and Judge J. Carcoza. We have done what is right.
Now it is time for you to honor all islands with respect and dignity for the
law.**

For hearing: October 24, 2007 Auditorium

Committee on Judiciary and Labor
Committee on Transportation and International Affairs
Committee on Energy and Environment

Attention Senators:

Re: Legislation on SuperFerry

I am so frustrated in watching what is taking place in our state. We all should be embarrassed over this and wonder if any future progress could take place. The whole country is watching this fiasco, while each branch of the government is pointing fingers at every other branch and placing the blame.

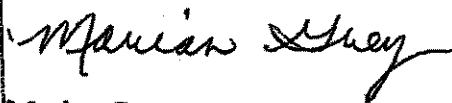
Senators that wanted to see this wonderful mode of transportation take place, and signed a resolution in 2004, are now claiming it's a bad idea to proceed. Why??

How can we lose this traveling option for those that are disabled, ill, or have other problems that make air travel extremely difficult?

My husband and I were looking forward to travel to Maui and Kauai on the SuperFerry. After watching the protesters and their complaints about travelers coming their way, we now have no desire to spend our money on those islands.

How can you ask one boat to follow one set of rules, while the rest have not been asked to do anything like this. What about the barges? What about ships that travel with containers on board? What about the large ships that travel from island to island with massive amount of tourists on them? What about the boats that specifically go out on whale watching tours? Most damage to marine life seems to be with being struck by a propeller. The SuperFerry doesn't have any propellers.

I certainly hope that you can complete legislation that allows this company to start doing business here. They have already bent over backwards in trying to show all of us their Aloha. We should do the same, and not lose this opportunity.



Marian Grey
243 Ainahou Street
Honolulu, HI 96825

(808) 395-3940

Relating to SB 1 Relating to Transportation Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Nikki Karen Stange



**5206 B Lower Honoapiilani Road
Lahaina, HI 96761**

Email: nikkistange@yahoo.com

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair**

Dear State Legislators,

**Please protect your public's interest from irreparable harm!
Do not allow the Superferry to operate until an EA is completed and mitigation
measures are in place to protect the public's interest.**

**Please honor the Court's decision to require an Environmental Review of the HDOT
Harbor project BEFORE allowing the Superferry to operate. If you pass this bill,
please include the 29 conditions proposed by the Maui delegation (based on the court
testimony during the recent trial.)**

I do not support further legislation that supports a bad administrative decision.

Please stop this illegal activity!

Don't let the Superferry sail without an EA!

**What good is an EA after the HSF has already caused irreparable harm?
...Dead whales, coqui frogs, fire ants, invasive species, damage to our natural
resources, traffic problems, etc...**

**We have already seen exploitive activities – the attempted theft of imu stones – related
to the Superferry.**

**The public's interest is not served by allowing the HSF to operate without following the
law and completing an EA.**

**Our voices deserve to be heard!
The outer island people spoke and they were ignored.
The County Councils spoke and they were ignored.
The Court spoke and this decision is now being ignored?!**

Circuit Judge Joseph Cardoza stopped operations until the assessment is done.

**Please do the right thing and abide by Judge Joseph Cardoza's decision!
Please protect your public's interest from irreparable harm!**

**Malama Pono,
Nikki Karen Stange
5206 B Lower Honoapiilani Road
Lahaina, HI 96761**

FAX to Capitol Senate Session (1-800-586-6659)

Relating to SB 1 Relating to Transportation

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PLACE: Auditorium

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35 Kulamau Circle
Kula Maui, HI 96790-8273
Email: ObiShibuya@Hawaiiintel.net



THE SENATE
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Senator Clayton Hee, Vice Chair

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

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Move to dismiss and avoid further contentious Court actions, added State litigating costs and increasing public distrust and disgust with State leaders and lawmakers!

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Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.
DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: David Fonseca
My Address 444e Mikiioi Pl
Tel 281-0092 Email mauiroofer@yahoo.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007
COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

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MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Please do not let the Superferry run against 2 courts rulings. If this business is so right for the islands, it can wait and do the right thing. It is not our faults that the Lingle administration tried to illegally pass this through without abiding by the environmental laws. Do not be a part of a legacy that you will not be proud of. Do what is right.

Thank you for your time,
David Fonseca
808-281-0092

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: *Karen Williamson*
My Address *466 Mikioli PL*
Tel *281-5253* Email *MauiPropertySearch@yahoo.com*

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007
COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

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MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

The Superferry needs to abide by the law like any other business on the islands. There is no reason that they should have any special privileges. It is very unfortunate that Linda Lingle has drug you, the legislature into her little mess. Please do not support this injustice.

Thank you for your time,
Karen Williamson R (s)
808-281-5253

Relating to SB 1 Relating to Transportation
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DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

From **Kawika Fonseca**, 466 Mikioi Pl. Kihei Hi., 96753

THE SENATE
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SECOND SPECIAL SESSION OF 2007
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Please do not let the Superferry run against 2 courts rulings. I am an 18 year old Maui resident, I am so surprised that this is how government is run! Isn't this illegal??? Why would those courts be in place if it was the legislatures job to let the courts make their rulings and then override them???

My mom wants me to register to vote, it looks to me like there is no point in voting if the government is crooked like this. Do not be a part of a legacy that you will not be proud of. Do what is pono.

Thank you for your time,
Kawika Fonseca
808- 344-2925

Kawika Fonseca

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.
DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Shayana Williamson
My Address 466 Mikioli Pl Kihei HI 96753
Tel 276 5958 Email

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007
COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

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Please do not let the Superferry run against 2 courts rulings. I am 21 years old, in school we learned about abiding the law. If this is how government is run, I don't want to be a part of it! My mom wants me to register to vote, it looks to me like there is no point in voting if the government is crooked like this. If this business is so right for the islands, it can wait and do the right thing. It is not our faults that the Lingle administration tried to illegally pass this through without abiding by the environmental laws. Do not be a part of a legacy that you will not be proud of. Do what is right.

Thank you for your time,
Shayana Williamson
808- 276-5958

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.
DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

From **Kevin Williamson 1538 Alaniu Pl. Kihei HI. 96753**

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007
COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

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COMMITTEE ON ENERGY AND ENVIRONMENT

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Please do not let the Superferry run against 2 courts rulings. The people of
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take it to heart what the judges ruled.

Thank you for your time,

Kevin Williamson

808- 879-3717

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 DATE: Wednesday, October 24, 2007 TIME: 10:30am
 PLACE: Auditorium
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FROM: David Fonseca
 My Address 4140 Miki oi Pl
 Tel 281-8092 Email mauiroofer@yahoo.com

THE SENATE
 THE TWENTY-FOURTH LEGISLATURE
 SECOND SPECIAL SESSION OF 2007
 COMMITTEE ON JUDICIARY AND LABOR
 Senator Brian T. Taniguchi, Chair
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 David Fonseca
 808-281-0092

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My Address 4142 Mikioli Pl
Tel 281-0092 Email mauiroofer@yahoo.com

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Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Please do not let the Superferry run against 2 courts rulings. If this business is so right for the islands, it can wait and do the right thing. It is not our faults that the Lingle administration tried to illegally pass this through without abiding by the environmental laws. Do not be a part of a legacy that you will not be proud of. Do what is right.

Thank you for your time,
David Fonseca
808-281-0092

FROM: LAWRENCE J. HOLBROOK, 4050B KEANU ST., HONOLULU,
HI 96816, PHONE: 808-735-8426, FAX: 808-735-8429
TO: COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING
RE: COMMISSION ON THE STATUS OF WOMEN,
GUBERNATORIAL NOMINEE, OPPOSITION TO
DATE: THURSDAY, OCTOBER 25, 2007, 4:00PM
PLACE: STATE CAPITOL CONFERENCE RM 016

I testify that no person needs to be considered or confirmed for the Commission on the Status of Women. While I can say naught for or against the current nominee, Elena M.H. Cabatu, I can say, from personal experience, that women in Hawaii are no longer disadvantaged in any way and this commission is superfluous to the needs of Hawaii and its citizens today.

This commission has no currently published data on women in Hawaii and its list of resources appearing on its current web site (at <http://www.hawaii.gov/hscsw/>) is duplicated by most social services organizations that benefit women, men, and families.

Further, women in Hawaii today enjoy a status far superior to their male counterparts and women have exploited, through financial incentives and from activist women's advocates, numerous programs and entitlements that have led to a paradoxical deterioration of families that Hawaii has sought to preserve by empowering women in the first place. Hawaii is the top Single Mom's State in the U.S.A.

Of the Commission's stated goals:

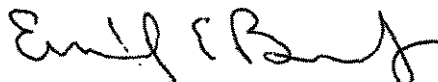
**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, Oversight Task Force,
etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: **Emily Burt**
PO Box 810



Honaunau HI 96726
Telephone (808) 328-0121
Email eeburt@earthlink.net

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

NO EIS? NO SUPERFERRY!!!!!!!

This special session if it results in allowing the superferry to run without proper PRIOR environmental review will destroy all confidence in law and procedure in Hawaii government. It will send the repeated signal (same as Hokulia) to all who would do business in Hawaii. Enough money, enough bully tactics and the lawmakers roll over and write laws for you. This action will attract scoundrel developers to Hawaii rather than conservative, caring developers that actually make their projects fit Hawaii. Please EIS first, Ferry later.

From: Judith Mancini <jdusty@hawaii.rr.com>
Subject: Superferry
Date: October 24, 2007 4:50:37 AM HST
To: Hawai'i State Legislature

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Judith Mancini
35 Akeo Place, Kula HI 96790
Tel_808-878-6001

(Your Signature) _____
Email : jdusty@hawaii.rr.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Houscr, Vice Chair

MY POSITION:

My original position on this issue was one of resignation and neutrality. I would have adjusted to accommodate the majority. As I watched how this event unfolded, it became clear to me that the State administration and the DOT have made a stupid mistake. The arrogance and inflexibility demonstrated is outrageous. We are no longer talking about a boat. The loss of forty million dollars is miniscule compared with what we, the people of Hawai'i, are about to lose. We are talking about a fundamental loss in the democratic system. Please honor your commitment as an elected official to do what is right. Hawai'i already has one of the lowest voter turn outs in the nation. Could this be related to a sense that the system is so corrupt that it no longer matters what one thinks? E mālama pono! Uphold the law and allow the Court's decision to require an environmental review of the HDOT Harbor project BEFORE allowing the Superferry to operate. In the event that the court's ruling is overturned, please include the 29 conditions proposed by the Maui delegation.

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Cynthia Punihaole Kennedy
73-4310 Mamalahoa Hwy
Kailua Kona, HI 96740
808 895-1010 Email: cpunihaole@hawaiiantel.net

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

MY POSITION: Please honor the Court's and our Hawai'i County Council's decision to require an Environmental Review of the HDOT Harbor project **BEFORE** allowing the Superferry to operate. I am in opposition to the bill that will permit the interisland superferry service in Hawai'i while an environmental impact statement is being conducted. Our legislature should adhere by the environmental laws that have been established and not circumvent them for a special interest. In the long run, I believe that the guidelines established by an EIS will define the roles and responsibilities for the business and will protect our 'aina, our people and our future generations. Please do not set a precedent that we will all regret for years to come. Doing an EIS first is the the *pono* way.

If you do pass this bill please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

It is very simple:

Treat us with respect, and we will show you the same. Obey our laws, and you're welcome to do business here.



To: Senate Sergeant-At-Arms Office
FAX: 808-586-6659

ATTN: House Committee on Transportation and House Committee on Finance

DATE: Thursday, October 25, 2007

TIME: 9:00 a.m. Auditorium, State Capitol

SUBJECT: HB 1 RELATING TO TRANSPORTATION

This bill requires the Department of Transportation to perform an environmental impact statement (EIS) for certain improvements made to commercial harbors. It permits the operation of a large capacity ferry vessel company prior to completion of EIS upon meeting certain minimum conditions. It establishes a temporary Hawaii Inter-island Ferry Oversight Task Force to monitor operations.

Dear Chairs Souki and Oshiro,

My name is Janet J. Mindoro and I strongly support the continued operation of the Hawaii Superferry.

The Hawaii Superferry operations should not be treated any differently than any other form of transportation between the islands.

Environmental Concerns should always be first and foremost for Airlines, Container Ships, Cruise Ships, Barges, and any other form of transportation into and between the islands. NOT JUST FOR THE SUPERFERRY.

Spend the necessary funds to protect sensitive areas of each island regardless of HOW people and goods get to an island.

Let the Superferry provide another way to visit the islands for locals and tourists alike.

Sincerely,

Janet J. Mindoro
1130 Ahe Ahe Ave
Wahiawa, HI 96786
808-778-4550

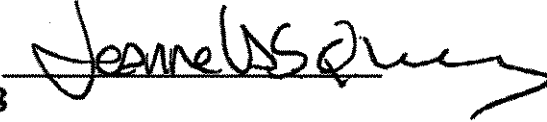
**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: Joanne Vasquez
199 Uakoko Pl Haiku Hi 976708
Tel 808-269-2743**



**THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)


**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task
force, etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Katy Rose,


PO Box 1459, Hanalei, HI 96714

Tel 808-346-7011

Email: krose@earthlink.net

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

MY POSITION:

**No Superferry without an independent EIS first! The Superferry
MUST NOT be allowed to transport Stryker Brigade vehicles.
People WILL blockade the boat if it returns. Thank you for listening
to neighbor island concerns.**



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

SENATE COMMITTEE ON JUDICIARY AND LABOR
SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT
October 24th, 2007, 10:30 A.M.

TESTIMONY IN STRONG OPPOSITION TO DRAFT SENATE MEASURE ALLOWING OPERATION OF SUPERFERRY BEFORE COMPLETION OF COURT- ORDERED ENVIRONMENTAL REVIEW

Chairs Taniguchi, English, and Menor and members of the Committees:

The Sierra Club, Hawai'i Chapter, with over 5500 dues paying members statewide, is strongly opposed to the draft measure that would allow the Superferry to begin operations prior to completion of the required environmental review. The measure before you is unfair, sets a dangerous precedent, damages Hawaii's three-decade old environmental protection act, and may expose Hawaii's fragile environment to irreparable harms.

As you saw and heard at your public hearings on the neighbor islands this week, Hawai'i residents have significant concerns not only about the environmental impact of the Superferry, but also the decision process—both by the Superferry and the Lingle Administration— involving this new transportation mode. The bill being considered today does nothing to address those concerns; rather, passage of the bill would likely further inflame the situation.

The driving force behind this special session is the threat that Superferry will leave the state unless they are given a special privilege to begin operation before complying with Hawaii's keystone environmental law. We hope this threat does not compel you. The Superferry venture is backed by significant wealth. They have threatened to leave before when confronted with the prospect of environmental review. In fact, approximately two years ago they testified before a Senate committee that they may leave if a bill to require an environmental impact statement were passed. We ask Committee members to remember that Superferry is not the "victim" in this case—Superferry, with the aid of the Lingle Administration, knowingly disregarded our environmental law. What is needed now is a little patience while the environmental review is completed and proper mitigation put into place.

While many support interisland ferry service, most want to be sure our environment and communities are properly protected—that's why your predecessors enacted our environmental review law. Hawaii's unique environment and deep community values demand that sustainability be put before mere expediency. Further discussion of these issues follow.

State policy – particularly policies regarding sustainability – should be prospective and not reactive for a single beneficiary.

Hawaii's Environmental Protection Act was passed over three decades ago by legislators with the foresight to recognize the need for proactive planning to protect communities and increase sustainability. It has served Hawaii's environment and communities well – when it is followed.

When a company chooses to ignore the environmental review law, they must go back and comply with its requirements before their proposed project can begin. Violators must change their actions to comport with our laws; we should not change our laws to comport with their behavior.

Changing the rules of the game midstream is not only a poor basis for public policy, it is unfair to plaintiffs who successfully upheld Hawaii's law. The fact of the matter is the Sierra Club has been seeking resolution to this issue for years. It is unfortunate that Superferry and the Lingle Administration didn't complete an environmental review of Superferry years ago as required by law. It was three years ago (2004) that the Sierra Club asked Superferry and the Lingle Administration to complete an environmental review of the Superferry. Two years ago, the Sierra Club filed suit with co-plaintiffs Maui Tomorrow and Kahului Harbor Coalition, asking that they comply with the law. Unknown environmental and public safety risks, concerned neighbor island communities, and a clear reading of the law demanded it. The review would have occurred while other planning proceeded.

Amending state law for a single beneficiary is unfair and sets a dangerous precedent.

Hawai'i has had its environmental review law for nearly 30 years. It is a process that has been tested time and time again—and it works. Because of the law, Hawai'i is better planned, cleaner, and more beautiful. Opening up the statute to manipulate it for a particular outcome is bad policy. It sets a bad example of the malleability of our state laws. If the legislature carves out a unique exemption for Superferry, other businesses may also be inclined to "roll the dice" and flout Hawaii's laws, only to later seek a statutory exemption if they are taken to task. Similarly, other businesses or agencies may seek exemptions from other statutes with the precedent set through this bill. Such requests may place a greater burden on the legislature as they reexamine the merits of each statute as it applies to each unique business interest. Companies who wish to do business in Hawai'i need to conform their conduct to our laws; we shouldn't conform our laws to their conduct.

What type of message does this send to companies who played by the rules and satisfied the requirements of Hawaii's environmental law? That some businesses are more deserving of special treatment?

The intent of our environmental review law is quite clear—to ask tough questions and disclose impacts of actions using state land or money. Fear of losing a business interest because they are unwilling to comply with state environmental laws in a timely manner is poor basis for a policy decision.

The Superferry has significant environmental impacts that must be disclosed and addressed before operations begin.

The unintended consequences of not complying with our environmental review law could be great. The spread of certain invasive species – which Superferry may facilitate – may dramatically reduce the ability of some native species to survive. The recently retired Superintendent of Haleakala National Park, Donald Reese, wrote in a February 2005 letter: "Some current special concerns for interisland transport relevant to Haleakala National Park include little fire ant (*Wasmannia auropunctata*), nettle caterpillar (*Darnap pallivitta*), glassy-winged sharpshooter (*Homolodisca coagulata*), Himalayan raspberry (*Rubus ellipticus*), Malabar melastome (*Melastoma candidum*) and fountain grass (*Pennisetum setaceum*). These are just a few of many species already present on other islands that NPS is concerned

about." He went on: "Because the Superferry may have serious impacts to Haleakala National Park and numerous endangered species, the National Park Service requests that an Environmental Impact Statement be prepared for this project."

The high-speed vessel operation itself may pose a threat to the marine mammals. Traveling at 25 knots through known whale calving areas may make riders sick in more ways than one. Chris Yates, head of NOAA's Protected Resources Division in the Islands, has said that it is the high-speed collisions that appear to cause the most damage. "There are studies that show that the speed of the vessel makes a big difference in the severity of the injury," Yates said. Environmental reviews are used to fix problems before they occur. They don't just look at wildlife but at social consequences such as unbearable traffic, curtailment of traditional Hawaiian activities, and costly freight increases to small businesses. What are the best ways to minimize harm to Hawaii's unique environment and communities? That's what we'll learn with an environmental review. Ultimately, the review process produces a better outcome for all involved, island-style.

Further, Superferry may add significantly to Hawaii's greenhouse gas emissions. Initial analyses of publicly available data suggests that due to the Superferry's design, propulsion choice, and high speed, the Superferry's fuel efficiency per passenger is approximately 14 passenger miles per gallon of fuel consumed – worse per passenger efficiency than a Hummer. Moving hundreds of vehicles inter-island this way is energy intensive. Additionally, if Superferry simply augments existing modes of inter-island transit—instead of supplanting them—overall greenhouse gas emissions will increase. With the recent urgent attention on global climate change and its effects on Hawai'i, legislators may want to think twice about whether this is the best technology option for Hawaii's future.

Our environmental review law provides a proper democratic forum for sound decision making on expending public funds when significant environmental impact may occur.

The environmental review process allows for comment periods where the public can give feedback on proposals and help guide the process. It also allows for contested case hearings when a citizen believes that impacts have not been adequately disclosed. Through the process, a determination is made as to whether or not significant adverse environmental impacts will occur, and if so, how they can be mitigated or avoided. The environmental review process provides for an examination of alternatives to the proposed action. The public participation process benefits both the company or agency proposing a project and society as a whole because cooperation and coordination are encouraged and issues that may be of concern are articulated early—before it is too late and the project is underway.

The surprising level of protest on Kaua'i (in which the Sierra Club played no role) surely reflects the deep sense of injustice many neighbor islanders feel toward the Superferry – contempt that has been irresponsibly inflamed by their proceeding in open disregard of the law. This is why the public review process is so important in the first place: to involve the affected communities, to understand the environmental tradeoffs, to separate fact from fiction, and to protect the environment against unintended consequences.

Given Hawaii's fragile island environments and deep community values, compliance with our environmental laws is in everyone's best interest.

Hawaii's environmental review law has effectively served Hawaii's environment and its residents for over thirty years.

The intent behind HRS Chapter 343, Hawaii's Environmental Impact Statement statute ("HEPA"), is clear and broad:

§343-1 Findings and purpose. The legislature finds that the quality of humanity's environment is critical to humanity's well being, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole. It is the purpose of this chapter to establish a system of environmental review which will ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations. (emphasis added)

The lawmakers who enacted HEPA (which was a parallel to the National Environmental Policy Act) had the foresight to provide a mechanism to disclose environmental, economic, and social impacts of government actions. The purpose of the environmental review law was to ensure adequate disclosure of impacts from activities using state funds or land. The law provides for comments from the public and serves as a tool for decision makers to use in selecting the optimal choice for public resources. Public oversight of public resources is essential in a democracy. It provides for checks and balances between government and the public at large. HEPA ensures some form of accountability of our agencies—if they plan to take action that may diminish the quality of life or adversely impact the environment that everyone shares, HEPA discloses those impacts before they occur. Without such a disclosure, the state would blindly take actions without knowing what the future costs or benefits would be. The Superferry and Department of Transportation, likewise, need to be accountable for their actions. The essence of our environmental review process is used to understand and fix problems *before they occur*.

The Hawaii Environmental Protection Act is clear; Superferry was not "singled out" for an environmental review.

Most airlines and interisland shipping traffic were operating prior to enactment of the Hawaii Environmental Protection Act in 1974. Still, many of the harbor and airport projects since then have triggered the state environmental review process. As the *Honolulu Advertiser's* Sunday, September 9, 2007, front page headline read, "Hawaii ferry not 'singled out' for review." The *Advertiser* article examined dozens of recent harbor and airport projects and found that a number completed the environmental review process. They wrote: "state records also show a number of recent harbor projects for Matson, Young Brothers, American Hawaii Cruises and other users that did undergo environmental assessment. These include \$6.5 million in improvements to allow two cruise ships to dock at the same time at Nawiliwili Harbor, and Matson's installation of a mooring dolphin at Kahului Harbor's Pier 1C at a cost of \$980,000."

Se na Club Testimony in opposition to draft Superferry exemption measure Page 5

Still, the Superferry is qualitatively different than existing modes of transportation. It travels at high-speed (up to 40 knots) and carries hundreds of private vehicles and trucks daily, creating challenges beyond what is currently operating. As the Supreme Court stated in their unanimous decision, "the Superferry presents particular risks that are not borne by the existing methods of transportation..." Judge Joseph Cardoza said that the Superferry is a new type of technology and a new chapter in interisland transportation.

The environmental review process is a routine procedure. Responsible companies and State and Federal agencies complete reviews all the time. The Department of Transportation (DOT) has completed numerous such reviews in the past year. New roads, harbor improvements, airport upgrades: they all go through the process. As University of Hawai'i law professor Jon Van Dyke, an expert on environmental and maritime law, stated in the September 16, 2007, *Honolulu Star-Bulletin*, "[The environmental review process] is a well-established procedure that's now done all over the world. So the idea that you would try to leapfrog over this logical and important requirement is to me a little bizarre."

Yes, the review process can be messy because you have to deal with real science – not soundbites and promises – and real public input. Superferry would actually have to respond to questions in writing and publish the answers. Yes, it takes a few months to complete. But the resulting document provides clear answers on the adverse impacts to be expected – and how best to prepare for them.

Hawai'i enjoys the most beautiful environment in the world. The legislature would be wise not to manipulate Hawaii's environmental review law to achieve a particular outcome for a single entity.

Mahalo for the opportunity to testify.

Larry Geller
1515 Nuuanu Ave. #153
Honolulu, HI 96817

SB?
JDL/TIA/ENE
Wednesday, October 24, 2007
10:30 a.m.
Auditorium
1 copy

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

October 23, 2007

Re: SB?—Relating to Transportation

In Opposition

Laws protecting the environment are particularly important in Hawaii and should not be lightly overturned. This bill seeks to do just that.

If an EIS were completed before the Superferry is allowed to operate, and if it found no problem, then we could be assured that its design features would likely work as intended. Without the EIS, and with the exemptions this bill provides, there is no protection. And there is ample reason to be concerned.

- 1) Whale detection and avoidance appears to be badly flawed. The Superferry proposes to watch for whales with binoculars. **This clearly won't work in the dark, in fog, or in heavy rain.** If this bill is to be passed, it should require that the Superferry not operate under those conditions.
- 2) Neighbor island residents, including their county councils, have expressed concerns that will be ignored should this bill pass. Oahu residents may not care, but laws should not be passed because a majority wishes to stomp on the legitimate concerns of a minority.
- 3) Farmers have shown little interest in the ferry, and without facilities such as rental car agencies, toilets, and so forth, it is not certain that the ferry will attract enough passenger revenue to succeed.
- 4) The military uses of the ferry have not been adequately discussed and may have impact on all islands. The subfloor of the ferry has been reinforced beyond what is required for passenger cars and trucks. It's clear that military usage is intended and that the public is concerned.

If the Legislature seeks to overturn decisions of Hawaii's courts, there will be a separation of powers question raised which will likely lead to further litigation on constitutional grounds.

For these and other reasons, I recommend to the Chairs and to the Committees that this bill should not be passed.


Larry Geller

CHRISTOPHER WHITE

3794-D Omao Road
 Koloa, Kauai, HI 96756-9628
 Office (808)742-1778 Fax (808)742-7474

FAX TRANSMISSION:

Date: October 23, 2007
 To : Hawaii State Senate
 Fax: 800-586-6659, 808-586-6461
 From: Christopher White
 Number of pages: 1

CONFIDENTIAL COMMUNICATION: This information is for the intended recipient only. Unauthorized dissemination of this document is strictly prohibited.

RE: SB 1 Relating to Transportation Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am
 PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

THE SENATE, THE TWENTY-FOURTH LEGISLATURE
 SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
 Senator Ron Menor, Chair
 Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the recent Maui Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate.

It is not fair to the businesses that have already completed EIS's for far less change over the past 30 years. Hawaii should support businesses that follow the law instead of those like HSF that seek to get around our laws by political favoritism. Passing this bill does not provide equal treatment under which businesses can rely upon and thrive. There is no reason to change the law because of poor decisions by the governor and DOT. In the meantime, we can all still freely move about the state.

This is not about turning back the clock or driving a wedge between the good people of Oahu and Kauai. Our visitors and locals are already impacted by near gridlock traffic on Kauai yet there have been no provisions announced to mitigate additional demands created by this new service on roads, DLNR, county/state parks, police and other affected personnel. This is why we need the EIS.

If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)



Christopher White

10/20/2007 20:31 PAA

001

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement ,
Oversight Task Force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Linda Pascatore

Linda Pascatore

ADDRESS: PO Box 949, Hanapepe HI 96716-0949

PHONE: (808) 335-0742 **EMAIL:** lindapascatore@earthlink.net

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

My Testimony

I strongly urge you to deny Governor Lingle a Special Legislative Session, and to deny any bill allowing the Superferry to sail before an Environmental Impact Statement is completed. This bill would be harmful to the long term future of the people of Hawaii.

The bill would undermine environmental protections for the people of Hawaii.

There has been a clear State Supreme Court decision that an Environmental Assessment is required, and that the State DOT acted erroneously when they exempted the Superferry. The Maui Court ruled that an EA be completed before operations of the ferry begin. The people of Hawaii deserve an Environmental Assessment, especially in light of the fragile island ecosystems

and number of endangered species we have here. You cannot decide whether the ferry should operate or what restrictions it should operate under, while it is in operation!

The bill would be a violation of the Separation of Powers.

The courts have a clearly defined role which is being illegally overridden by this proposed bill. The Governor is ignoring the spirit of not only environmental law, but of the State and Federal Constitutions as well. This bill also gives too much power to the Executive Branch. It gives the Governor the right to set conditions to mitigate environmental impacts of the ferry. She is not qualified to make those determinations or to set those conditions, especially in light of the fact that this administration has already acted wrongly in exempting the ferry from an EA in the first place.

The bill would be opening the door to "exceptions to the rules"

It would send a signal to big business that in Hawaii the environment is not important, and that they do not have to play by the rules. It would be setting a precedent for exemptions from our environmental protections. It is wrong to even consider calling a special session of the legislature and setting aside our environmental laws for the sake of one private business interest.

The bill would be further challenged in state and federal courts.

This legislation is wrong and will not stand. Do you want to send the message that our legislature is thumbing their noses at our laws and our courts?

The people of Kauai protest this moral and legal injustice!

I implore you to do the right thing and uphold the rule of law. All we ask is that the decision of the courts stand, and that the legal process be followed.

Fax- 1-800-586-6659

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Donald W. Reeser,

1445 Piipolo Road, Makawao, HI 96768

Tel # 808-572-2331

Email donbunr@maui.net

To: THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Testimony on behalf of Friends of Haleakalā National Park
P. O. Box 322,
Makawao, HI 96768

During the EIS process for the expansion of Kahului Airport a biological assessment was required in accordance with Section 7 of the Endangered Species Act to assess the project's impact to the biological resources of Maui. A Technical Panel was assembled to prepare the assessment which was the basis for a biological opinion rendered by the U. S. Fish and Wildlife Service. The significant conclusion of the biological opinion essentially was that alien species that become established on Maui as a result the expansion can have far reaching and irreversible effects on

(2)

endangered species throughout the 728 square mile island including Haleakalā National Park.

The same is most assuredly true of this new Hawai'i Superferry transportation mode to Maui: it too will have far reaching and irreversible effects to the environment and endangered species. There has been no legally valid analysis, no biological assessment and no biological opinion required during an EA/EIS process.

The legislature must acknowledge that an analysis of the no-action alternative, inherent to the EIS process, is impossible if it allows the Hawai'i Superferry to operate during the preparation of the EIS, simply because the operation becomes the no-action alternative. This makes the EIS process not only meaningless but ludicrous. The court, after weeks of testimony came to this same conclusion. Please don't subvert our precious environment laws. Don't be held hostage by the superferry, which threatens to leave unless our laws are modified to suit their wishes. Don't allow the Hawai'i Superferry to sail until the EIS has been completed.

Thank you for the opportunity to comment.



Donald W. Reeser
Vice President

Relating to SB 1 Relating to Transportation

Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: Judith Michaels
96 Makena RD, Kihei, Maui, HI 93753**

Tel: 808 879-9341

Email: jmichaelsmaui@gmail.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

My Position: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing The Superferry to operate.

If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Superferry Testimony – Given on October 22, 2007, Maui, Hawaii

I oppose the operation of the Hawaii Superferry during the time it takes to prepare an EA or EIS. The Judicial system has ruled and I beg you to honor the rulings of the court. Do not create a Special Bill benefiting a single business, depriving us of our Constitutional rights and violating the separation of powers by overruling a judicial decision.

Some who speak today may ask you to add conditions to any bill you might craft...I ask you to say NO to the Governor and this Bill...Instead start educating the people.

Senator Hanabusa, as President of the Senate, I suggest you ask all the local televisions stations to give you ten minutes or fifteen minutes to address the state and especially the people of Oahu to educate them to the potential for irreparable harm that the operation of the Superferry will have on the neighbor Islands.

The Hawaii Superferry folks have spent hundreds of thousands of dollars on their PR campaign and we see the Governor on television all the time telling us how good the Superferry will be. But what about you Legislators, why are you not out there educating the public as to the problems the Superferry will bring.

When a group of us were in Honolulu last week, we spoke with one Senator who said she had received over 6000 emails from Oahu residents and almost all of them supported the SF, “and they don’t even read the newspapers” she said. That’s the problem. Another Oahu Senator told us that whenever he spoke to anyone who supported the SF and educated them to the concerns of the folks on Maui or Kauai, they always changed their position agreeing that YES the SF should complete the EA ...every one of them, he said. So we need to educate the public.

Just because folks say they want the SF, regardless of the negative impacts on neighbor islands, doesn’t make it right. You the legislators are elected to protect the public and to educate them when you know that what is being asked is potentially very harmful. Educate!

It is important that the public be educated to the fact that the court listened to 22 days of expert testimony before ruling that the operation of the SF could result in irreparable harm to our marine life and to the environment of our rural community.

Sadly, we humans unwittingly or uncaringly seem hell-bent on destroying the very essence of that which we love so dearly about Hawaii. Some seem to have forgotten that everything we are or have is part of the environment...our shelter, our food, our water, our air, and of course in Hawaii the environment is our economy.

So I ask you today: What have you done in the past few weeks to educate the public so they can better understand the judicial ruling? Have you explained why it is important for the separation of powers in the Government? What have you done to educate yourselves: Have you toured Kahului Harbor in the middle of the day to see how over crowded it is? Have you gone to the island of Hawaii to hear the deafening sounds of coqui frogs? Do you know about the tiny fire ant and how devastating it will be to our economy if it spreads thru out the islands?

Are you more interested in protecting one unproven start-up business than in protecting the environment of our islands?

As legislators, you have to take responsibility for protecting us. You are not protecting us by writing a bill that completely circumvents the Constitution.

**Judith Michaels
96 Makena Rd.
Kihei, HI 96753
(808) 879-9341
jmichaelsmaui@gmail.com**

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Angie Hofmann



555 Kaiola Street, Kihei, HI

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project **BEFORE** allowing the Superferry to operate.

I do not support the governor's decision to attempt to override Judge Cardoza's ruling. Please do not let the governor make a law just to help one company get their way. I do not trust this company and the way they have already behaved in our state. Hawaii does not need this Superferry. It is the will of the people that our Aina be respected.

Mahalo, Angie Hofmann

Fax: (1-800-586-6659)

**Relating to SB 1 Relating to Transportation Requiring an
Environmental Impact Statement, oversight Task force,**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: Barbara Wiedner 808-635-2593
1774 Puu Kaa St
Kapaa, HI 96746 Email : bwiednerrealtor@aol.com**

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

**MY POSITION: Please honor the Court's decision to require an
Environmental Review of the HDOT Harbor project BEFORE allowing
the Superferry to operate. If you pass this bill, please include the
29 conditions proposed by the Maui delegation (based on the court
testimony during the recent trial.)**

Mahalo Nui Loa,

Barbara Wiedner



Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight task force,
etc.

Date: Wed., Oct. 24, 2007

Time: 10:30 AM

Place: Auditorium

Please distribute 35 copies to the Senators. Thank you.

From: Laurie & Jake Rohrer
2090 Kaupakalua Rd.
Haiku HI 96708
808-572-6619
ljr@ululoa.com

*Laurie Rohrer
Jake Rohrer*

To: the Senate, the 24th Legislature, Second Special Session of 2007
Committee on Judiciary and Labor Senators Brian T. Taniguchi, Chair,
Senator Clayton Hee, Vice Chair

Committee on Transportation and International Affairs – Senators J.
Kalani English, Chair, and Mike Gabbard, Vice Chair

Committee on Energy and Environment – Senators Ron Menor, Chair,
and Gary L. Hooser, Vice Chair

Our Position: We urge you to honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If this bill passes, please do not allow any of the 29 conditions to be dropped and ignored. Your conscience is at stake as well as precious aspects of Hawaii Nei. Future generations will look at your actions and judge whether you were pono. Don't let us down! Do your obvious duty; do not reward those who subvert law and ethics in search of personal gain. Mahalo.

THE SENATE - TWENTY-FOURTH LEGISLATURE SECOND SPECIAL SESSION OF 2007

HEARING DATE: Wednesday, October 24, 2007 TIME: 10:30 a.m. PLACE: Auditorium State Capitol

Respected Chair Sen Taniguchi, Vice Chair Sen Hee, Chair Sen English, Vice Chair Sen Gabbard, Chair Sen Menor, and Vice Chair Sen Hooser,

The governor has called this special session to ask that you circumvent the law, relieving the Superferry of its legal obligations under HEPA, to override Hawaii State Supreme Court's decision and to ignore Judge Cardoza's ruling, in an attempt to relegate the judiciary branch of our government to a status of total insignificance.

Will the voices of the people on the neighbor islands will be drowned out as a result of the Superferry's highly successful political influence and public campaign on Oahu to cause the majority to clamor for the Superferry to run prior to completion of any environmental impact studies?

Attorney Barry Lee in his article "Laws shouldn't be changed to suit whim states" "The law should not be bent or changed just to suit the current whims or sentiment of some people, even if they are the majority of people.

The law is intended to apply to all people, the minority as well as the majority. It will be a terrible blow to our confidence in our system of government if, as a minority, we felt that the law will not protect our interests because the majority could whimsically change the law to suit itself at any time."

I am concerned that the proposed law supersedes the need for an operating permit from the state PUC and any county permits. Giving the governor power to set the conditions intended to mitigate the ferry's environmental and social impacts undermines our democratic governmental system. This cavalier disregard for environmental law and the judicial system is unacceptable. It is imperative that the Superferry meet all environmental requirements before being allowed to sail.

Fatal collisions with the 16 types of whales and dolphins, Hawaiian monk seals, and sea turtles in Hawaii and other marine life would be inevitable with the Superferry's proposed "Whale Avoidance policy".

The Superferry would cover the distance of 2 football fields in 15 seconds traveling at the proposed reduced speed 25 miles per hour.

Superferries cannot change their course quickly enough nor can whales swim fast enough to avoid the hulls extending 12 feet into the ocean which act like razors at high speeds.

Although the operators of the Hawaii Superferry like to tout the fact that their vessel does not have propellers, the fact remains that the Superferry's twin hulls would be killed by blunt force trauma on impact if it were to surface in front of the hull.

Baby whales swim above their mothers, close to the surface making them most vulnerable to strikes. They won't have a chance of getting out of the way of the speeding Superferry. It's not a matter of IF the Superferry will hit whales and their calves but WHEN and HOW OFTEN.

Please, I implore you to follow environmental laws and to honor judiciary system by not allowing the Superferry to sail until it has successfully completed an EIS.

Mahalo, 

Judy Dalton 4330 Kauai Beach Drive Lihue, HI 96766 808-246-9067

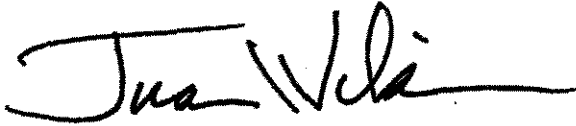
JWILSON
1 OF 5

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement ,
Oversight Task Force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Juan Wilson: Architect-Planner



ADDRESS: PO Box 949, Hanapepe HI 96716-0949
PHONE: (808) 335-0733 **EMAIL:** juanwilson@mac.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

My Testimony

I have three possible scenarios for you to consider in order of my preference - A, B and C.

Scenario A) Best Case Scenario

Please honor the Court's decision to require an Environmental Assessment of the HDOT Harbor project BEFORE allowing the Superferry to operate.

Scenario B) Reasonable Solution

If you must run the ferry consider the compromise I offered HSF and Linda Lingle.

- 1) Run the Superferry at speeds and on courses that will not threaten whales
- 2) Do not allow Superferry to carry private vehicles before EA complete.
- 3) Dissolve Special Security Zone plans in all harbors.

20F5
J. Wilson

Scenario C) Acceptable Compromise

If you must pass this bill, please include all the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

The following is an editorial I published this past Sunday in the Garden Island News. It makes a crucial point about the outer islands. They are Oahu's breadbasket when the Peak Oil Tsunami hits Hawaii. Don't swamp them with the Superferry.

THE GOVERNOR'S SUPERCONSPIRACY

Published Sunday, October 21, 2007 in The Garden Island News

The Business Before Us

The most important legal issue facing the state of Hawaii today is the operation of the Superferry. From a judicial standpoint the issue has been decided. The Hawaii Supreme Court has ruled that our environmental protection law (Chapter 343) requires that the Superferry conduct an Environmental Assessment (EA) that would likely lead to an Environmental Impact Statement (EIS). Those processes could take three years. The law specifies that the operation of the Superferry cannot take place until the environmental studies are completed and a permit to operate issued. The Superferry is tied up in Honolulu. Case closed.

Not quite. The governor has called for a special session of the legislature to pass a law to exempt the Superferry from our state laws. An out of control executive branch can flaunt the law if it whips up enough fear and populist fervor.

This has already happened at the federal level. After entering Afghanistan, the then popular Bush saw an chance to go after the oil in Iraq and Iran. He falsely pointed a finger at Iraq and got a green light and blank check from the US legislature to take us down the course we have followed for the last five years. We got the Patriot Acts One and Two. We got lies about WMDs. Bush tossed the Geneva Convention and we got torture and Abu Ghraib. We got lots of exceptions to the rules... all to advance a hidden agenda.

Needless to say, it has been a disaster. We have squandered good will, money and blood. We are hated by many and almost bankrupt, as Bush struggles forward into the deepening quagmire.

Chief Executives Out of Control

How does that relate to Hawaii? Well, we have an out of control chief executive running our state. She is Governor Linda Lingle. Her rightwing agenda is to serve big business and the military. The perfect expression of these two goals is the building and operation of the Superferry.

The Lingle Administration conspired with the Hawaii Superferry Corporation to clear the legal hurdles for the ferry to get up and running on an expedited schedule. That

3055
J. Wilson

path did not include any environmental review. I call this cabal the "SuperConspiracy". Despite much evidence to the contrary, the SuperConspiracy denied that the ferry had military links to the peculiar location of the Stryker Brigade in the State of Hawaii. The siting of the Strykers in Hawaii happened without an EIS too and is being challenged now.

To operate as a profitable private business, the Superferry builder, Austal LTD, advised the SuperConspiracy to design a much smaller ferry with greater energy efficiency. However, the ships were built to military specifications (to carry the large Stryker force) with nonmilitary state and public funds. The Governor had learned the first lesson of the Bush governing style: Loot the public trust to fund your military-industrial agenda. Privatize your war making capability.

The SuperConspiracy charged ahead like a rhino. When the Supreme Court made its historic ruling on an EA requirement, the SuperConspiracy decided to accelerate the start of operations. They decided to jump the gun on scheduled service to Kauai and Maui for a ridiculous five dollars a pop. It was a popular idea on Oahu. Then they hit the brick wall. Maui and Kauai would not play ball. By legally (Maui) and physically (Kauai) blocking entry to their harbors, they foiled the SuperConspiracy.

Superferry is to Lingle as Iraq is to Bush

This is where we come to the analogy of Bush/Iraq and Lingle/Superferry. Both executives have made disastrous choices. They have appealed to populist sentiment and used fear mongering. They both have used appeals to their legislatures to turn over the law of the land.

There is no doubt that the decision to enter into Iraq has been a disaster. The responsibility rests with the US Congress that gave Bush the go ahead in 2002. The Kauai anti-Superferry demonstrators, called kooks today, were the same people who were demonstrating against entering the Iraq War, claiming that George Bush was leading us down a rat hole. I know, I was there. We held signs that read "No Iraqnam", "No Blood for Oil" etc. I suspect some of you that then shook your heads and shouted at us from your SUV's are the same ones who support the Superferry now. After five years in Iraq, are you still supporters of our Iraq policy? Getting it right with foresight is important.

For George Bush, the real issue of his presidency should have been to solve America's environmental and energy problems. Instead, to obtain cheap oil, he has made both problems worse by creating an unending war in the Middle East. Besides blaming the US Congress for Bush's folly, we can blame ourselves for ignoring our Constitution to go on with cheap happy motoring.

The Governor is now asking the Hawaii Legislature to do much the same thing over the Superferry. She is demanding that the legislature simply ignore the laws of the

State and give the SuperConspiracy the green-light to do whatever it wants. For what? Once again, for our motoring convenience - Interstate H-4.

A Bad Exception to the Rule

This exception would allow the Superferry to begin unrestricted operations during the period of an environmental review process. This is the equivalent to asking to have unprotected sexual relations while awaiting the results of an AIDS test. No way.

What will the results be if the SuperConspiracy gets it's way. An environmental disaster for humpback whales, sea turtles and monk seals is a possibility. We really don't know if humpback whales can share their calving waters with daily operations of a 40 mph ferry the size of a football field.

But that possible disaster will only be the beginning of the story that is unraveling. The precedent of an exception to environmental law for a "popular" program, regardless of its environmental impact, will be even more sinister in the long run. We will be able to blame our clueless legislature to no avail.

The floodgates will be open. Any corporation speculating on doing big business in Hawaii will be tempted to lobby for an exception to Chapter 343 on grounds that their project is popular and good for Hawaii.

If that happens the governor will have reached a major milestone on her real agenda - the unrestricted growth of business and the military in Hawaii. The irksome environmental laws protecting us will be swept under the carpet or ignored, much like the Kauai Planning Department ignores pesky Special Management Area (SMA) requirements and Visitor Destination Area (VDA) restrictions.

This will be a catastrophe for Hawaii. Of course the people on Oahu won't recognize it as such. There are almost a million people on Oahu. On its own, Oahu is already lost, not sustainable and overburdened by development. Where the real difference will be is on the Outer Islands. Suburbanization will accelerate on the Big Island, Maui and Kauai.

If our legislature lays waste to the intent of Chapter 343, it will be the kiss of death for rural Kauai. We'll be a suburb of San Diego.

According to one state senator I spoke to, this Special Session of the legislature is a done deal and there are not the votes to stop an approval of starting some sort of ferry service. The only question left is what, if any, restrictions there might be on their operations. His suggestion was to make the legislature hear our voices from the outer islands. Make a great wind.

A Compromise to Save our Islands

No consensus is possible between the SuperConspiracy and those committed to the aina. The best we can hope for is for is that the legislature realize they will be stuck with the responsibility for the ensuing mess if they enable this "Drunken Sailor".

It appears Lingle has no intent to admit she has made even a tiny mistake in any of this. She is not even looking for a way to back out of the corner she has painted herself into. If necessary, she is going down with the ship. We will have to rely on the judgment of the legislators. We can hope that they have the depth of character to look beyond the short term and angry disappointment. Getting it wrong on this issue will be giving up on a sustainable future for Hawaii.

I believe that part of the populist support for the Superferry stems from the inherent understanding of the environmental gloom facing Oahu and the desire to have free access to the resources and space of the outer islands.

But, solving that problem is the real issue, not getting the Superferry running. If there is any sustainable solution for Hawaii after the Peak Oil Wave passes over us, it will be founded on the outer islands which are not overdeveloped. There we can grow food and provide resources that will be needed throughout the state. To overrun these islands now with "easy access" and "economic growth" will doom all of Hawaii.

There is a small window of opportunity to affect our legislature. Let them know the conditions under which you would allow passenger ferry service to begin between the islands. Maybe we'll be lucky and those conditions will be reasonable to the legislature yet unacceptable to the SuperConspiracy.

Governor Lingle's "Patriot Act" is on the table. Act now!

Tropical Orchid Farm, Inc.

Huelo, Maui

(FAX 3 Pages Including this page)

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

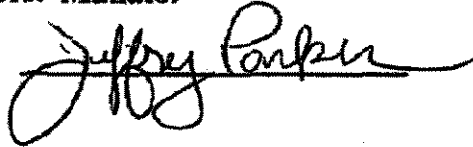
Second Special Session of 2007

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: Jeffrey Parker
Pres., Tropical Orchid Farm, Inc.
P.O. Box 170
Haiku, HI 96708
Tel: 808 572-8917**



Committee on Judiciary and Labor
Committee on Transportation and International Affairs
Committee on Energy and Environment

MY POSITION: The Court's decision to require an EA/EIS for the HDOT Harbor projects PRIOR to the startup of the Superferry must be allowed to stand. No special laws to exempt a single startup corporation from Chapter 343 is acceptable. If you pass this flawed bill, please at least include the 29 conditions proposed by the Maui Plaintiffs groups. (These conditions were based on the testimony during the recent trial on Maui.)

**To:
All Hawaii Senators
And Committees:**

10/24/2007

**From:
Jeffrey Parker
President, Tropical Orchid Farm, Inc.**

Subject: Opposing Special Session and Opposing un-numbered Draft House Bill relating to transportation (Superferry).

Dear Senators,

My name is Jeffrey Parker, owner and operator of Tropical Orchid Farm, Inc. I am a member of the Maui County Farm Bureau. I have lived on Maui for 37 years and I am celebrating the 30th successful year of my business.

I was present at the first public forum on Maui regarding the Superferry which was the PUC Hearing in November 2004. At that hearing 50 out of 51 testifiers begged the PUC to exercise their power to require an Environmental Assessment for the Superferry project. 3 years later, we now have a unanimous Supreme Court ruling and a Circuit Court ruling that the exemption from HEPA granted by the DOT was improper.

But now this disingenuous House Bill threatens to undo all the progress that has been made over the last 3 years. The bill is so full of misinformation that its origin must be extremely suspicious to all of you. This Bill must be rejected by any of you who still have respect for our State's laws and for the well-being of the environment.

It is easy to understand some of what has been going on here: Surely all Legislators have been paying attention to the Bush Administration's assault on the nation's environmental laws - his administration has worked overtime to reverse or weaken many of those laws. Linda Lingle is a Bush ally - a crony of Bush. And the true owner of the Superferry, J.F. Lehman is a Bush Neo-con, a close ally of Bush representing the Military Industrial Complex - and an architect of the Iraq War.

So, it all makes sense: a Republican governor decides to attack and weaken Hawaii Environmental Policy Act.

What I don't understand is why any Democrat would support weakening our law.

In the beginning of the Draft House Bill, references are made to the Superferry being such a great thing for farmers on the outer islands. I was shocked by the twisting of reality. How inserted this into the bill?

The only farmer that the Superferry could get to come as their witness in the Circuit Court hearing admitted several things under cross-examination:

1. That there would be no impact to his farming operation if the ferry were not allowed to run during the EA preparation period.
2. That the scheduled arrival and departure times do not really work for Maui farmers: the ferry arrives too late on Oahu to make the morning vegetable markets - and then the driver of the truck would have to spend the night on Oahu in order to return to Maui the next day.
3. That refrigerated shipping is available currently (without the Superferry).

On Page 3 of the Draft Bill is stated "Operations of a large capacity ferry vessel company would foster diversified agriculture, helping the State of Hawaii to meet one of its constitutional mandates." Where is the proof of this? Once again, who is the supposed expert on agriculture who inserted this into the Draft?

As a farmer in Hawaii for 31 years, I can tell you that what would actually help protect and foster farming is to allow the EA/EIS process to be completed prior to the startup of the Superferry. So that the real threats to agriculture can be studied - for instance the threat of the Tiny Fire Ant - which is known to travel in automobiles - and which is already impacting agriculture on the Big Island (farm workers refuse to enter infested fields to harvest crops).

Regarding Section 13 of the Draft Bill (calling for an audit of the Lingle Administrations' actions in granting the exemption for the Superferry). I understand that the Governor wants this section taken out. Don't you dare take that out! That is the only good part of this charade bill.

Much lip service has been paid to the idea that we have to get past the divisions in our community caused by the Superferry issue – the need to begin the healing process, etc. If you gut our court decisions. If you ignore, in the words of Judge Cordoza "the likelihood of irreparable harm to our environment – the so-called healing process will NEVER begin.

The core of HRS Chapter 343 is injunctive relief. It simply is not possible to conduct a fair study of a project's impacts while a project goes forward. For example, how do you deal with study of the "No Action Alternative" if the action is already underway?

And finally I want to make sure that all of you saw Superferry Board member Tig Krekel's statement in the New York Times article – that the real plan is to have 5 vessels – with 4 voyages a day to each of the outer islands. So, if you pass a special law for the Superferry – you really will be exempting up to 5 vessels..... with 5 times the impacts to the environment.

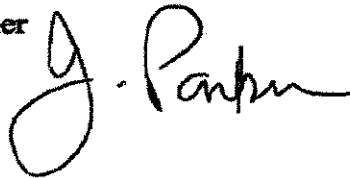
I am opposed to any new law to exempt a single startup up corporation from Hawaii's environmental law. At the very least, any attempt to pass this Bill will be completely corrupt unless it contains many of the 29 conditions proposed by the Maui Plaintiff groups.

Finally, the idea that the Legislature will act – and then leave it up to Lingle to put in the safeguards to protect the environment - is a complete travesty. Lingle cannot be trusted and will only look out for the interests of the Bush business allies.

I urge you to adjourn from any Special Session on this matter – or to soundly reject this absurd un-numbered House Bill.

Thanks and aloha

Jeffrey Parker



PLEASE PROTECT HAWAII'S ENVIRONMENTAL LAWS - THANKS!

Bruce Pleas

From: "Sharon Pleas" <kuine@hawaii.rr.com>
To: "Bruce Pleas" <hisurf3@hawaii.rr.com>
Sent: Tuesday, October 23, 2007 7:01 PM
Subject: Superferry Testimony

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight
Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Sharon Pleas
PO Box 721, Waimea, Hawaii 96796
Tel (808) 337-9509
Email kuine@hawaii.rr.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary I. Hooser, Vice Chair

I AM OPPOSED TO ANY SPECIAL SESSION TO PROVIDE AFTER THE FACT LEGISLATION
ON
THE JUDICIAL DECISIONS ON THE ADMINISTRATIONS ACTION NOT TO REQUIRE AN EIS
FOR STATE EXPENDITURES ON THE SUPERFERRY.

Mahalo,
Sharon Pleas

10/23/2007



Conservation Council for Hawai'i

Testimony Submitted to the Senate Committees on
Judiciary and Labor, Transportation and International Affairs,
and Energy and Environment

Hearing: Wednesday, October 24, 2007 10:30 am
State Capitol Auditorium

Re: Superferry Legislation

Aloha. The Conservation Council for Hawai'i opposes legislation that exempts the Hawai'i Superferry from the requirements set forth in Hawai'i Revised Statutes Chapter 343. We also oppose legislation to weaken this law in order to bail out the Superferry.

Thank you for the opportunity to testify.

Sincerely,

Marjorie Ziegler

President

Julie Leialoha

Vice-President

Nelson Ho

Secretary/Treasurer

Kim Ramos

Directors

Fred Kraus, Ph.D.

Douglas Lamerson

George Robertson

Claire Shimabukuro

Helene Takemoto

Mashuri Waite

Executive Director

Marjorie Ziegler



Working Today for the Nature of Tomorrow!

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www@conservehi.org
P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

Hawai'i Affiliate of the National Wildlife Federation



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819
Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272
Fax: (808) 848-1921; e-mail: info@hfbf.org

October 24, 2007

HEARING BEFORE THE
SENATE COMMITTEE ON JUDICIARY /
SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS /
SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

TESTIMONY ON SUPERFERRY

My name is Alan Takemoto, Executive Director of the Hawaii Farm Bureau Federation. We represent both the social and economic well being of about 1,600 farm family members throughout the state.

The Hawaii Farm Bureau on behalf of its' member farmers, ranchers and farm organizations strongly supports allowing the operation of the Super Ferry during the completion of an EIS.

An overabundance of financial and personnel resources is not available in Hawaii. Therefore, strategic decisions need to be made to address societal, environmental and economic needs. We strongly believe that the Super Ferry provides the first step towards expanding interstate transportation capacity which has been determined to be in a critical state.

We are very cognizant of the environmental risks associated with the Super Ferry, but place them in perspective with the rest of the modes of transportation. Data from the Hawaii Department of Agriculture clearly indicates that the risks are greater from other existing transportation systems. The nettle caterpillar moved between islands and there was no Super Ferry. The volume of movement by these other systems are significantly greater than the Super Ferry. Additionally we strongly believe intrastate commerce poses a greater risk to Hawaii agriculture and ecosystem than interstate commerce. As such we strongly oppose any redirection of resources from existing programs to Super Ferry. If there is such a redirection it should only be done with a complete understanding of the possible outcomes. It will be unreasonable to expect the Department to continue their existing programs as well as significantly increase the level of scrutiny of Super Ferry.

The Super Ferry does offer alternatives in achieving Third Party Food Safety requirements. Congested harbor and port facilities currently do not have the capacity to

meet all of the conditions associated with Food Safety Certification. Loading a refrigerated container at the storage warehouse without need to transfer at the harbors and again transfer at the destination, reduces exposure of produce to the outside environment. These factors are critical in determining perishability of produce and ultimately food safety. Produce exposed to ambient temperatures of significant periods of time have a greater risk of increased pathogen loading than those kept under refrigerated conditions. A significant problem is also the "sweating" of produce as they are exposed to cold, then warm temperatures in multiple cycles. Rotting of this "wet" produce is greatly enhanced. **Good transportation systems are critical components to reaching the States' goal of increased self sufficiency and sustainability.**

Education of those using the Superferry should be of high priority. There is a responsibility associated with the privilege of having access to this transportation alternative. We respectfully urge a timely decision on this matter that will benefit Hawaii.



Written Statement of
YUKA NAGASHIMA
 Executive Director & CEO
 High Technology Development Corporation
 before the

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TAXATION

Wednesday October 24, 2007
 1:30 PM
 State Capitol, Conference Room 224

In consideration of

Pending Referral to EDT
SUBMITTING FOR CONSIDERATION AND CONFIRMATION TO THE BOARD OF DIRECTORS OF THE HAWAII STRATEGIC DEVELOPMENT CORPORATION, GUBERNATORIAL NOMINEE, DARREN T. KIMURA FOR A TERM TO EXPIRE 6-30-2010

Chair Fukunaga, Vice Chair Espero, and Committee Members:

It is my pleasure to support the appointment of Darren Kimura to the Board of Directors of the Hawaii Strategic Development Corporation (HSDC), a "sister" agency and strategic partner to the High Technology Development Corporation.

Mr. Kimura is founder and chairman of Sopogy, Inc.; a Hawaii company dedicated to enabling the renewable energy economy by dramatically increasing energy production through widespread use of its Concentrated Solar Power (CSP) technologies. Sopogy offers a cost-effective method for producing electricity and by-products that include steam, desalination, hydrogen, absorption cooling and hot water heating. As head of Sopogy, Inc., a recipient of HTDC's statewide incubation services program, and occupant at the Manoa Innovation Center, Mr. Kimura understands the needs of start up technology ventures. We are confident of his ability to contribute to and grow Hawaii's technology industry given his experience and knowledge.

Thank you for the opportunity to submit testimony and I encourage your favorable vote on his behalf.

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE**

**COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair**

**Testimony regarding Superferry Special Session
Given October 22, 2007, Maui, Hawaii**

Reference: Wednesday, October 24, 2007 10:00am session

Please distribute to all Senators

**From: Richard Michaels, 96 Makena Road, Kihei, HI 96753
(808) 879-9341**

All the editorials in Honolulu praised the citizens of Maui for taking our case to the courts and not to the water. "The law is the law," they said. "Don't break the law to get your voice heard – let the courts decide."

Well, we did that. And the courts have decided. Despite our shallow pockets compared to the State of Hawaii and the Hawaii Superferry, we have won summary judgments from the State Supreme Court and the 2nd Circuit Court. The State must do an environmental assessment and the Superferry cannot operate until the assessment is complete and accepted because it may do "irreparable harm."

Irreparable harm. Unfixable.

That is why we do an EIS – to prevent irreparable harm by identifying impacts that may do irreparable harm and mitigating them BEFORE the operation begins.

But now you are threatening to circumvent those rulings.

What kind of a message does that send?

How do we teach our children to obey the law and respect the courts if our government doesn't? How do we get them to obey speeding laws and not use crack cocaine, not only because it is against the law but because it will do them irreparable harm? What do we say to them when they retort that if the government doesn't obey its own laws, why should I?

And what would be the message you are sending to the people? Damn the courts, full speed ahead?

Wouldn't you be saying that the courts don't matter, leaving taking to the water as the only successful way to actually stop the ferry?

So far Maui's residents have been calm, deferring to the legal system for protection. But if you vote to nullify the courts' decisions, you can count on the people of Maui to find another way to have their voice heard.

If you do the right thing, with a little patience, we can have it all – environmental protection and the Superferry. We've managed to get along just fine without it up till now – a little more time won't make any difference.

But if you reject the court's decision, this is a tragedy waiting to happen.

KITV4 reported Sunday night that the state has already spent \$18,000 on riot gear. When someone is injured or killed it will be on the heads of the legislators. It will be your responsibility if you set an example by saying the way to get what you want is to circumvent the law.

So respect our courts. Enforce the law. Reject this illegal, ill-advised bill.

Sir,

I live in Honolulu for over 30 years. I have friends in different islands. When I go to visit them, I have to travel by air and then I have to rent a vehicle to drive around. It is very inconvenient and cost a lot of money. If we have the Superferry running, we can take our own vehicle & take the Superferry. This will save us a lot of money because we do not need to rent a car when we are on a different island. It is very convenient. In Vancouver, they have to superferry and a lot of people drive their vehicle on the ferry and that is very convenient.

Hawaii is very congested. We have no Sub-ways like Hong Kong & China. If we have to go out of Honolulu, we have to go by air. This cost a lot of money and not many people can afford that. Why can't the State government help the poor citizens and give them something, such as the Superferry and keep it running!

Thanks!


Joseph Cheng K.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

"Building with Hawaii's Professionals since 1955"

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William A. Paik
Grace Pacific Corporation

President-Elect
Mary K. Flood
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Hawaii Vinyl Fencing, Inc.

Roy Ogawa
Oliver Lau Lawhn Ogawa & Nakamura

October 24, 2007

Senator Brian Taniguchi, Chair
Committee on Judiciary and Labor
Senator J. Kalani English, Chair
Committee on Transportation and International Affairs
Senator Ron Menor, Chair
Committee on Energy and Environment

RE: Support for Hawaii Superferry

Chairs Taniguchi, English, Menor and Members of the Respective Committees on Judiciary and Labor, Transportation and International Affairs, and Energy and Environment:

The Building Industry Association of Hawaii (BIA-Hawaii) expresses its strong support for the Hawaii Superferry as an alternative means of transportation between our islands for individuals and businesses. Small and medium sized businesses can benefit from expanded opportunities for their goods and services on other islands.

The Hawaii Superferry offers a choice in travel modes and another way of shipping supplies to another island. Many of our contractors conduct business on neighbor islands and would benefit from the option of transporting their workers and cars to the job sites on neighbor islands.

BIA-Hawaii's support of the Hawaii Superferry is offered with due respect to the Legislature's ultimate decision on the requirements of the legislation.

Respectfully submitted,


Mary Flood
President Elect
BIA-Hawaii

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Fax: 1.800.586.6659

Concerning: Hawaii Superferry

Reference: Wednesday, October 24, 2007 10:30am session

As Executive Director of Maui Tomorrow I strongly oppose the operation of Hawaii Superferry while it undergoes an Environmental Review. To allow Superferry to operate during this process clearly violates unambiguous Hawaii law.

I urge the Legislature not to pass this unconstitutional special legislation for one single business. If legislation is passed and Superferry is allowed to begin service, I feel compelled to ask for conditions to limit the speed at which this vessel travels through Hawaiian waters, due to the high risk to humpback whales, a federally protected endangered species.

This fast ferry is unlike any other in Hawaiian waters; traveling at speeds of over 35knots. The US Coast Guard classifies "high speed" vessels as any traveling over 32knots; most vessels in Hawaii, including cruise ships, barges, and tankers, travel at maximum speeds of 20knots with average speeds much slower than that.

As stated in 11 days of testimony by recognized whale experts before Judge Cardoza, Superferry's plan of reduce speeds of 25knots when traveling through Sanctuary waters is clearly not slow enough.

Extensive research shows that at 18knots whales strikes result in the animal's death. NOAA recommends speeds of no more than 13knots when traveling through humpback whale breeding areas.

Hawaii Superferry's proposed speed is unacceptable and should be limited to 13 knots when traveling through a national preserve for an endangered species; please include this same 13 knot limitation to the first 10 miles of exits and entrances to Honolulu, Kahului, Kawaihae, and Nawiliwili harbors.

The Supreme Court stated in its unanimous decision, "The Superferry presents particular risks that are not borne by the existing methods of transportation." Please don't abandon the protection of the environment to the same administration that has been dedicated, for many years, to minimizing legitimate concerns about the Superferry project. Consider these risks and their consequences as you decide the fate of Hawaii Superferry and this state's environmental future. Please add meaningful conditions to this bill.

Thank you.

Irene Bowie/Maui Tomorrow Foundation, Inc.

PO Box 299, Makawao, HI 96768

808.268.0303

Submitted 10/23/07


**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force,
etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: David Mogilefsky
2751 Kauhale Street
Kihei, Hawaii 96753**

Signature) 

Phone 808-870-9436

Email: MauiSun@hawaiiantel.net

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

To the Hawaii Legislature:

You are proposing a blatant attack on democracy, and the constitutional principle of separation of powers. You seem to want to eliminate the function of the judicial branch in Hawaii, and just have legislative and executive branches of government.

Article 3, Section 1, of the Hawaii Constitution, which you all took an oath to uphold, says that the powers of the legislature must be consistent with the Constitution of the United States. The US Supreme Court ruled, in a case

called Plaut v. Spendthrift Farm (514 US 211), that for a legislative body to overrule a final judgment of the highest court in the jurisdiction is a clear violation of the constitutional principle of separation of powers.

The final judgment of the Hawaii Supreme Court was not an injunction. It just said that the Superferry Company has to *proceed* under our main environmental law, HRS 343. That would set the project back, but would not enjoin it from eventually happening. All it takes to put the Superferry on hold for awhile is money.

The Maui court was forced to issue an injunction because Superferry Company refused to comply with the final decision of the Hawaii Supreme Court. Superferry Company refused to come up with the money to put the project on hold.

Pass this legislation, and the Superferry Company, along with the Dept. of Transportation, are just going to end up back in court, possibly for years. And, I believe the bottom line is that the courts will not let you get away with this. -Because this is America, and the Kingdom and State of Hawaii - not some communist bloc country back in the 50s.

#####

David Mogilefsky
2751 Kauhale Street
Kihei, Hawaii 96753
(808)891-1602

From: cindy <maluhina@hawaiiantel.net>
 Subject:
 Date: October 23, 2007 6:28:01 PM HST
 To: cindy <maluhina@hawaiiantel.net>

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

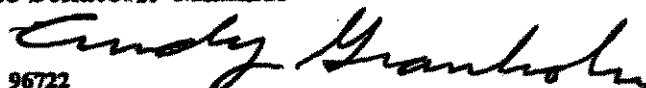
Please distribute 35 copies to the Senators. Mahalo.

FROM: Cindy Granholm

3617 Keoniana Rd., Princeville HI 96722

Tel 808-827-8023

Email maluhina@hawaiiantel.net



**THE SENATE
 THE TWENTY-FOURTH LEGISLATURE
 SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

One example of the 29 conditions: require that people disembarking are asked if they are camping and if so, they must show a reservation and fee paid for the official campground. Senator Hemmings said in response to this condition: no. People can camp wherever they want. Do the laws not apply to residents from Oahu camping on Kauai? And if not, why not? Another: people cannot raid the natural resources of outer islands. Lisa Munger, attorney for Superferry said: no. These natural resources belong to everyone, residents and visitors. So that means people should be able to load up their pickup trucks with whatever they want and go home with it? This is wrong. The HSF will not have enough inspectors to stop this practice. We will all suffer. Tourism, the most important economy to Hawaii, will suffer. Many tourists will not return if our environment is destroyed and we are no different from anywhere else.

Please respect the decision of the Hawaii Supreme Court and Maui Circuit Court — no Superferry until an EIS is performed.

Bruce Pleas

From: "Bruce Pleas" <hisurf3@hawaii.rr.com>
To: <testimony@capitol.hawaii.gov>
Sent: Tuesday, October 23, 2007 6:43 PM
Subject: Superferry testimony

Relating to SB 1 Relating to 'Transportation
Requiring an Environmental Impact Statement, oversight
Task force, etc.

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Bruce Pleas
PO Box 721, Waimea, Hawaii 96796
Tel (808) 337-9509/639-2850
Email hisurf3@hawaii.rr.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

MY POSITION:

I HAVE ATTENDED ALL (5) OF THE SUPERFERRY MEETINGS ON KAUAI, HAVE PRESENTED TESTIMONY AND ASKED QUESTIONS WITH MINIMAL RESPONSE FROM BOTH THE DOT AND SUPERFERRY REPRESENTATIVES. ANY QUESTIONS ABOUT AN EIS HAVE BEEN COMPLETELY PUT ASIDE WITH THE RESPONSE FROM MR. FUKINAGA THAT "THE EIS ISSUE WILL NOT BE DISCUSSED AS IT HAS BEEN DECIDED THAT NO EIS IS REQUIRED." THERE HAS ALSO BEEN NO MOVEMENT FROM THE SUPERFERRY REPRESENTATIVES ON BRINGING THE COUNTY INFRASTRUCTURE UP TO THE LEVELS REQUIRED FOR AN INCREASE IN TRAFFIC TO THE NAWILIWILI AREA AND AT COUNTY PARKS.

I AM OPPOSED TO ANY SPECIAL SESSION TO PROVIDE AFTER THE FACT

LEGISLATION ON THE JUDICIAL DECISIONS ON THE ADMINISTRATIONS
ACTION NOT TO REQUIRE AN EIS FOR STATE EXPENDITURES ON THE
SUPERFERRY.

PLEASE UPHOLD THE TWO JUDICIAL DECISIONS AND VOTE NO TO ANY
SPECIAL SESSION BILL THAT WOULD ALLOW THE SUPERFERRY TO OPERATE
DURING AN EIS.

I am also asking along with many other people that you please honor the Court's decision to require an Environmental Review of the IIDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill (which I would consider an illegal bill since it is an after the fact bill that is against the principles of the checks and balances system that our democracy is based upon, once the Judicial decision is rendered all the Legislative Branch can change is LAW for the future, not the past), please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Mahalo,
Bruce Pleas

Relating to SB 1 Relating to Transportation

Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM:

Shannon Wianecki

PO BOX 790666 Paia, HI 96779

shannon.wianecki@gmail.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

MY POSITION:

Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate.

If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial).

I have worked in the field of invasive species for several years. It can be grueling work—yanking out razor sharp pampas grass and scouring hot landscapes for seedlings, fire ants, or contraband animals. These efforts feel futile when confronted with the lack of biosecurity measures taken at our harbors and airports.

Aggressive new invasive species waltz undetected into our islands on a daily basis, threatening our economy, health, and way of life. We have nearly lost our wili wili forests to the gall wasp; now mountain apples are dying because of ohia rust. The varroa mite threatens to extinguish the honey industry. Miconia costs millions to contain. At present, Hawaii's natural resource managers can barely hold back the tide. Adding fast-ferry transit is akin to opening the floodgates. We will lose the small gains we currently have.

Invasive species can be stopped with proper preventive measures in place.

It is irresponsible of you to allow this new fast-ferry service without first attending to infrastructure. It is not Hawaii Superferry's responsibility to build roads and inspection facilities, hire enforcement officers, and devise protection for our natural resources. **It is our county and state government's job.** These necessary measures need to be in place before fast-ferry service begins. Otherwise, you are sabotaging the work of your many, diverse and dedicated natural resource managers. Worse, you are neglecting to safeguard the very things that make Hawaii a paradise.

Sen Brian Taniguchi, Chair, Sen. Committee on Judiciary and Labor
Sen. Kalani English, Chair, Sen. Committee on Transportation and International
Affairs

Sen. Ron Menor, Sen. Chair, Committee on Energy and Environment

Dear Chairs Taniguchi, English, and Menor, and members
of the Joint Committee

I am Bob Nakata, speaking on my own behalf, against this Bill to allow the Superferry to operate while an environmental impact statement is prepared. I was a long term opponent of the H-3 Freeway, I therefore know the bitterness of those who stopped the Superferry in court and now find themselves losing their victory in the political system. To win legally in a David and Goliath struggle, and to lose because of money and power is indeed bitter. Where is the rule of law?

I am currently involved in efforts to stop the expansion of the Turtle Bay Resort on the North Shore. In the 22 years since that was approved, monk seals and turtles, endangered species, have taken up residence there, but the City is refusing to allow discussion of them as a reason to revisit the decision. ^{It} They says that a supplemental environmental impact statement is not called even though the rules and regs clearly say changed circumstances call for such a statement. The power of a \$30 to \$40 billion

Dollar corporation is bending the political and legal systems.

This same kind of power is interfering with the preservation of burial sites in Kakaako and Turtle Bay and many other places.

Anyway, a potential impact of the Superferry is to enable the faster spreading of country estate development on the Neighbor Islands as people who don't depend on a daily commute to work, and with financial resources, will find it very attractive to live on the Neighbor Islands, and bring their cars and themselves to Oahu to enjoy the amenities of a big city for a day or two.

Conversely, Oahu hunters and fishers are probably salivating at the thought of easy access to the hunting and fishing resources of these Islands, a real threat to depleting them.

I urge you to deny this bill until after the EIS is done.



Conservation Council for Hawai'i

President

Julie Letafoa

Vice-President

Nelson Ho

Secretary/Treasurer

Kim Ramos

Directors

Fred Kraus, Ph.D.

Douglas Lamerson

George Robertson

Claire Shimabukuro

Helene Takemoto

Mashuri Waia

Executive Director

Marjorie Ziegler

Testimony Submitted to the Senate Committees on
Judiciary and Labor, Transportation and International Affairs,
and Energy and Environment

Hearing: Wednesday, October 24, 2007 10:30 am
State Capitol Auditorium

Re: Superferry Legislation

Aloha. The Conservation Council for Hawai'i opposes legislation that exempts the Hawai'i Superferry from the requirements set forth in Hawai'i Revised Statutes Chapter 343. We also oppose legislation to weaken this law in order to bail out the Superferry.

Thank you for the opportunity to testify.

Sincerely,

Marjorie Ziegler



Working Today for the Nature of Tomorrow!

Telephone/Fax 808.593.0255 • email: info@conservehi.org • web: www@conservehi.org
P.O. Box 2923 • Honolulu, HI 96802 • Office: 250 Ward Ave., Suite 212 • Honolulu, HI 96814

Hawai'i Affiliate of the National Wildlife Federation

testimony

From: Joy Brann [jbran@maui.net]
Sent: Wednesday, October 24, 2007 7:33 AM
To: testimony
Cc: House Record; ">"@NONE.mta.everyone.net
Subject: Oppose changing law for Superferry

**Relating to HB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Thursday, October 25, 2007 **TIME:** 9:00am

PLACE: Auditorium

Please distribute copies to the House members. Mahalo.

FROM: Joy Brann
18 Kai Makani Loop #201, Kihei HI 96753
808-891-1607, jbran@maui.net

**HOUSE OF REPRESENTATIVES
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007
COMMITTEE ON TRANSPORTATION**

**Rep. Joseph M. Souki, Chair
Rep. Scott Y. Nishimoto, Vice Chair**

COMMITTEE ON FINANCE

**Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair**

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Aloha Hawaii Legislators, and mahalo for listening to your constituents.

I oppose endangering the power of the rule of law to permit the Superferry to operate before all necessary environmental reviews have been completed to determine what measure must be required to protect all interests at stake.

While inter-island ferry has indeed been considered and should be, we must do so following established protocols to ensure best practices and beneficial results. The illegality of the Hawaii Super Ferry approval process warrants legal challenge.

I URGE OUR LEGISLATURE TO OPPOSE ANY SPECIAL OVER-RULE OF OUR LAW.

Sincerely,
Joy Brann, educator, Family Planning Education Services
18 Kai Makani Loop #201
Kihei HI 96753
808-891-1607, 268-0130

testimony

From: Elizabeth Freeman [freeperson@hawaiiintel.net]
Sent: Wednesday, October 24, 2007 7:35 AM
To: testimony
Subject: Superferry Testimony

Aloha,

This testimony is in reference to the proposed Senate Superferry Draft Bill. I hope it is not too late to include.

I am completely opposed to altering, changing Hawaii's environmental law to accommodate a "business enterprise". The Hawaii Supreme Court has already ruled that an environmental Impact Statement needs to be completed before the Superferry can begin to operate. Dismantling our important environmental laws is shocking and unacceptable.

Thank you,
Elizabeth Freeman
P.O. Box 298
Kilauea, HI 96754

testimony

From: mauirev@aol.com
Sent: Wednesday, October 24, 2007 7:38 AM
To: testimony
Subject: sf

we need super ferry, i get maui island fever and crave oahul they have ferries in seattle and vancouver as a way of life. thanks!!!

aloha from maui, the valley isle of beautiful flowers ...- thanks! victoria lynn
7752209820cell

- thanks, victoria lynn
victoria lynn vallis
1127 kupulau dr kihei, hi 96753 phone 8088798317 or 7752209820cell

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testimony

From: Crysttal Atkins [crysttal@gmail.com]
Sent: Wednesday, October 24, 2007 7:44 AM
To: testimony
Subject: superferry testimony, Committee on Energy & Env.

Aloha. We were unable to attend the hearing yesterday (10/23) in Kona (and after the rude behavior shown on TV for the Maui hearing, we were not that upset that we couldn't attend--we don't like meetings where people don't respect other people's right to speak). But we wanted to add our voices to the discussion anyway. The superferry will add another important and affordable travel option to those of us who live here in Hawaii. We personally think it will be the travel mode of choice for residents rather than tourists, something that we desperately need. Does anyone stop to think how much air pollution is emitted from those airplanes that are our only inter-island travel choice right now?

We think the superferry should be allowed to operate while the EIS is being completed, as it is the error of the state DOT in telling the superferry company that it didn't need to do the EIS initially. While we can understand the concerns of folks who are worried about whales and other wildlife, we are confident that the superferry can be operated in a manner that does not jepordize the environment. We urge you to find a compromise that keeps the superferry on track.

Mahalo.
Crysttal Atkins and Randy Steiner
16-149 Aulii Drive
Kea'au, HI 96749

testimony

From: Pam Kalauli [pam@pharmeast.com]
Sent: Wednesday, October 24, 2007 7:38 AM
To: testimony
Subject: Hawaii Superferry Support

Dear Chairs Souki and Oshiro:

My name is *PAM KALAULI* and I strongly support Hawaii Superferry.

IT WOULD BE WONDERFUL TO HAVE A CHOICE OF HOW TO TRAVEL.

THE FISHING BOATS AND TOURIST ACTIVITY BOATS ARE THE ONE THAT NEED TO BE CONSIDERED. THEY ARE THE ONES CAUSING THE ENVIRONMENTAL PROBLEMS. THE TOURIST ACTIVITY BOATS ARE CHASING WHALES. THE FISHING BOATS LEAVE THE NETS AND RUBBISH TO ENDANGER THE SEA LIFE AND THERE IS A LOT EVIDENCE OF THAT ALONG ALL THE SHORELINES.

IT'S TOO BAD THAT ALL THE MONEY BEING SPENT ON THIS CAN'T BE USED FOR THINGS LIKE CIGARETTE BUTTS BEING THROWN OUT THE CAR WINDOWS ONTO THE LAND.

PLEASE PLEASE SUPPORT THE SUPERFERRY!!!!!!

PAM KALAULI

RR 4 BOX 2243

PAHOA, HI 96778

808-965-9616

testimony

From: Evalaniexner@aol.com
Sent: Wednesday, October 24, 2007 7:52 AM
To: testimony
Subject: super ferry

Aloha! Thank you for allowing us to voice our testimony.

As a family of 6, 4 kids, 2 adults we appreciate the efforts of the super ferry as well as GO airlines. I am not employed or have family employed or associated with any of these companies other than a customer. If not for these companies, making travel interisland to visit family and expose the kids to our whole state; would be next to impossible. Airfare for a family of 6 is approx. \$480 and to rent a car for 4 days is another \$480. Because of the size of our family, we can't rent a regular car, we have to rent a van big enough to carry all of us with seatbelts. Most of our family members don't have vehicles big enough to accommodate us forcing us to rent a van. Being able to load the car and the family will enable us to travel within our state. Prior to GO airlines, we couldn't even travel, it was cheaper to go to the mainland than travel to our neighbor islands. Please understand how this could also help our organizations that travel interisland and taking all their equipment and vans, our band organizations, sports organizations and even contractors.

Thank you for taking the time! Evalani Exner

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testimony

From: Cochran, Elle [Eleanora.Cochran@vacationclub.com]
Sent: Wednesday, October 24, 2007 7:54 AM
To: testimony
Subject: Superferry Testimony

To whom it may concern,

Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

I am not opposed to Ferry's. I have been on the one that runs from Washington state to Vancouver Island. It was a wonderful mode of transportation. I'm opposed to the way this project was shoved down our throats without asking permission. Asking permission is the Hawaiian way. I was flabbergasted when I read a quote from Governor Linda Lingle it read, "The people of Hawaii will just have to live with it." This was my first inkling that the Ferry was even considered to run!

I'm hoping that legislatures, community and any other agencies/organizations can come together for the betterment of all.

Mahalo for your time and consideration. Hawaii's environmental future depends on your decision.

Elle Cochran
553 Office Rd.
Lahaina, HI. 96761

808-281-7709 elle.cochran@vacationclub.com

testimony

From: SOUTHERLAND, PAUL [PSLJ@chevron.com]
Sent: Wednesday, October 24, 2007 7:55 AM
To: testimony
Subject: We strongly want to support the Super Ferry

My family is very anxious to travel to see the other island and vacation there. Beside improving our island enjoyment, this Super Ferry service will also be a huge economic benefit to many people. It will keep vacation dollars spent by residents in the State. And I'm sure we can get over this whale issue and not harm anyone or anything in the process.

Paul Southerland
Reliability Team Lead

Chevron Hawaii Refinery
91-480 Malakole Street
Kapolei, HI 96707
Tel 808-682-2317
Mobile 808-864-2101
pslj@chevron.com

testimony

From: Jared Clinton Fagans [jfagans@campus.hpu.edu]
Sent: Tuesday, October 23, 2007 8:26 PM
To: testimony

Jared C. Fagans,

I am not supporting the operation of the Super Ferry because,

-The speed that the Super Ferry is traveling it will cause great harm to whales.

-It will increase the traffic flow of cars in the ports.

-The runoff from the Super Ferry and the cars traveling on it will cause damage to the surrounding reefs.

Thank you.

Jared C. Fagans
Hawaii Pacific University

testimony

From: Cathy Agor [agorc001@hawaii.rr.com]

Sent: Tuesday, October 23, 2007 8:27 PM

To: testimony

Subject: Superferry

To whom it may concern:

I am in favor of letting the superferry operate in our islands. It will provide a much needed service to the local community and an alternative to airfare and renting a car. We need to make our islands attractive to businesses looking to come here especially those that will assist the community in making our lives a bit easier.

Sincerely,
Catherine Agor

10/24/2007

testimony

From: Wayne L. [lockhartw003@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 8:30 PM
To: testimony

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.

My name is Wayne M Lockhart and I strongly support Hawaii Superferry.

This mode of transportation is long overdue. The option provided to the people of Hawaii as well as visitors has been delayed long enough, the Superferry is here now and should not be delayed any longer. There are relatively few individuals and groups that are opposed to the use of the Superferry, though they should be heard they should not control what the majority of the population want.

These groups that oppose the growth of Hawaii and its future are not understanding the potential of the Superferry and its value that it presents to Hawaii. Should we have another disaster such as Iniki, the Superferry will provide a method to provide the people of our islands the disaster relief that is usually slow and delayed in reaching the people most in need.

Mom and pop stores could also benefit from the use of the ferry to provide what the communities want most from them. They will be able to provide their own transportation of goods without having to over order supplies and merchandise just to justify the high cost of shipping.

Overall the Superferry is good for Hawaii, though they who oppose it now, one day they will understand its value to Hawaii.

Wayne M Lockhart

94-342 Hokuala St #104

Mililani, Hi 96789

808-623-7204

testimony

From: Maria Alvarez [aloha_rocio@yahoo.com]
Sent: Tuesday, October 23, 2007 8:10 PM
To: testimony
Subject: We want the SUPER FERRY running

It will be so good to have the SUPER FERRY running, not only from O'ahu to Maui'i or the other major tourist Island, but to all the Hawaiian Islands including THE BIG ISLAND, it's so much beauty to see here too.

Thank you

Maria Alvarez
P.O. Box 1405
Kurtistown, HI 96760

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testimony

From: ghicks41@sprintpcs.com on behalf of Gary and Louise Hicks [talonsgl@kc.rr.com]

Sent: Tuesday, October 23, 2007 5:39 PM

To: testimony

Subject: Senate Hearing on Inter-Island Ferry Service

My name is Louise Hicks. My husband is Gary Hicks. We both support the Hawaii Superferry as an alternative to flying between islands. We travel to Hawaii for vacation each year, in January-February. Sometimes we spend more time clearing airport security and collecting luggage than we do in flying between islands. We understand that security is an essential fact of life, but security procedures should not be so stressful and time-consuming that they ruin a vacation.

We believe in conservation and protection of wildlife, and we LOVE watching the humpback whales. We think it is possible for the Superferry to operate without endangering the marine environment, and the Superferry COULD be used as another tool to promote awareness of marine life.

We are hopeful that the Superferry will provide a relaxing and enjoyable alternative mode of transportation between Oahu and Maui. We want to return to Kauai to again enjoy beautiful gardens, the bird sanctuary, the waterfalls, and the Na Pali coast. Our travel plans in Hawaii depend on the EASE of traveling between islands, and we truly hope the Superferry will be allowed to operate between islands.

Louise Hicks

Gary Hicks

9213 West 121 Terrace

Overland Park, KS 66213-1546

913-338-3713

testimony

From: Laura lewis [kaui4kids@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 8:36 PM
To: testimony
Subject: Superferry

My name is Laura Lewis. I am in favor of the superferry being allowed to conduct business while the EIS is done. I am in awe at all of the fuss and revolt. I do not recall any of this going on for any other vessel travelling in our waters. Please pass legislation allowing the superferry to conduct business. It is an alternative travel arrangement and can serve in time of disaster when other means of transportation are not operable. It would be a great thing for families who want to travel with their own vehicle to go sight seeing for the day or go camping for a week. I am from Kapolei. Thank you, Laura Lewis

testimony

From: jkugelmass@aol.com
Sent: Tuesday, October 23, 2007 8:45 PM
To: testimony
Subject: Superferry

Dear Legislator:

I am sending this message to voice my opposition to allowing the Super Ferry to begin operations at this time. A **FULL & IMPARTIAL ENVIRONMENTAL IMPACT STUDY** - must be undertaken **BEFORE** service is allowed. Once underway, it will be difficult or impossible to stop or change the Super Ferry's operations. I expect that the plan for a ferry service will eventually take place, but it should not happen until the necessary regulations are put in place to protect the very fragile ecology of life on and surrounding our islands. We should expect unanticipated consequences and need to do whatever is humanly possible to minimize the impact that will undoubtedly occur from adding yet another human creation to the sea. Waiting until this matter is thoroughly researched may hurt the pocketbooks of those who stand to profit from this venture in the short term but it is our responsibility to think ; long-term. Consider the millions of years that it took our sea life to develop!!!

The entire globe faces environmental uncertainty. Hawaiian's should take the lead by demonstrating their deep concern for preserving the natural world - a concern that is needed globally. Studying the impact of the ferry first and then regulating it accordingly will show the world that Hawaiians value preserving the natural world more than immediate financial gain.

Mahalo,

Judy Kugelmass
Hawaiian Paradise Park
Pahoa, HI

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

From: llove7@aol.com [mailto:llove7@aol.com]

Sent: Tuesday, October 23, 2007 7:02 AM

To: testimony

Subject:

Dear Sirs,

I strongly support the super ferry. we are looking forward to their services and our visits with family & friends on the Big Island. We have no race track here-we want to pack up our race cars and have fun there, instead of a \$30,000 car just sitting in the garage. I don't understand why other ships aren't being hassled. Maybe Kauai and Maui should have goods shipped to their islands once a month. I hope folks on Kauai recalls the time when hurricane Iniki hit them the hardest "WE" the people on Oahu gave OUR" ALOHA...as well as the United States of America gave fundings too. Well, please let us FOCUS on the Super Ferry service and the good of it too. We deserve change.

Think about us little people too...as they call us born & raised kamaainas!!!

sincerely,

Lavern Aarnold

testimony

From: Scott, Lamont A SPC NG NG NGB [pohaku.scott@us.army.mil]
Sent: Wednesday, October 24, 2007 12:43 AM
To: testimony
Subject: Superferry

Importance: High

This might be too late, but I support the superferry. i believe that the majority of the voting population of Hawaii wants the Superferry to be an active member in the community of Hawaii.

Please Support the Effort. Superferry YES!!!!!!

testimony

From: Todd Brown [tbrown@pixi.com]
Sent: Wednesday, October 24, 2007 12:54 AM
To: testimony
Subject: Superferry

To whom it may concern,

I am a supporter of the Superferry. I would like to utilize the Superferry to visit our outer islands. I believe that this business took all necessary steps in initiating it's business here. Our state representatives had okayed their being able to start this business here. I think that it would be an expensive mistake to not allow this business to start service prior to an EIS, and I can't imagine even at this point that our state is not liable for all lost expenses to their company. I believe that since enormous cruise ships come into our ports and haven't posed a problem, why should the Superferry be so viciously sought after to have unfounded additional requirements to initiate their business. We have large vessels cruising our oceans daily, coming out of Maalea, and Lahaina. We are one state, and should be able to freely travel from island to island. I understand the concerns on traffic, and I am concerned also, but I believe our state officials can get creative and set forth some restrictions.

We have property on the big island, and it would be very helpful to our family to be able to take the Superferry over on a Friday night after work, spend a weekend cultivating our land, and be back by Sunday night to start work on Monday. I think also that a secondary source of travel to our outer islands is necessary, and perhaps also a national security issue.

Please honor your commitments to this company, and give them a chance to show how most of us here in Hawaii would like to utilize their services.

Sincerely,

Harriet Brown
Maui Resident

testimony

From: Stan [mahiaijrs001@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 1:50 AM
To: testimony
Cc: Stan
Subject: TESTIMONY SUBMISSION IN SUPPORT FOR THE HAWAII SUPERFERRY

TO: Senate Committees: Judiciary and Labor, Transportation and International Affairs and Energy and Environment

Hearing Date: Wednesday, October 24, 2007

Time and Location: 10:30 A.M. Auditorium, State Capitol

I support the Hawaii Superferry, as it will provide me with an alternative transportation choice to travel interisland within the State of Hawaii.

I will be able to visit and stay with family, friends, and conduct personal business on the neighbor islands with my personal vehicle. It will save me on car rental and hotel accommodations expenses.

We Kamaaina, have waited a long time for such an alternative as the Hawaii Superferry.

I urge you to make the right decision to allow the Hawaii Superferry to do business at the same time an (EIS) Environmental Impact Statement is being done.

Mahalo! for allowing me to submit this testimony in support of the Hawaii Superferry.

STANLEY MAHIAI JR
91-1069 KOANIMAKANI STREET
KAPOLEI, OAHU RESIDENT 96707
PHONE: 808-520-2388 RESIDENCE 808-386-9152 MOBILE CELL PHONE
EMAIL: MAHIAIJRS001@HAWAII.RR.COM

testimony

From: hr alatini [hralatini@yahoo.com]
Sent: Wednesday, October 24, 2007 1:36 AM
To: testimony
Subject: Superferry

Sorry, I just got back from a trip to the States. I'm not sure if I still can be heard, but I'm going to tell you how I feel anyway. I do want the Superferry to stay and be able to provide services here in Hawaii. It's a great change for our islands. Another means of transportation which is always good since we all can benefit from it's services. Whether it be for business or pleasure. Let it stay!!!

Mahalo

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testimony

From: llunchick@aol.com
Sent: Wednesday, October 24, 2007 5:39 AM
To: testimony
Subject: superferry YES

I strongly believe that the superferry should be able to operate while undergoing the EIS. It was the states fault for not requiring it years ago. There are 300 employees out of work. We need alternative transportation between islands!!!!!! The airlines should not have a monopoly on interisland travel. I only wish that it would operate out of Kawaihae and forget Kauai.

Laura Lunchick

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

testimony

From: Steve Goldstein [yale1961@mac.com]
Sent: Wednesday, October 24, 2007 5:45 AM
To: testimony
Cc: Jeff Sacher
Subject: EIS and Superferry

No EIS,
No Superferry.
Just deal with it!

Steve and Fran Goldstein
Kula

testimony

From: Janet Mindoro [jjmindoro@yahoo.com]
Sent: Wednesday, October 24, 2007 5:50 AM
To: testimony
Subject: KEEP the Superferry

ATTN: House Committee on Transportation and House Committee on Finance
DATE: Thursday, October 25, 2007
TIME: 9:00 a.m. Auditorium, State Capitol
SUBJECT: HB 1 RELATING TO TRANSPORTATION

This bill requires the Department of Transportation to perform an environmental impact statement (EIS) for certain improvements made to commercial harbors. It permits the operation of a large capacity ferry vessel company prior to completion of EIS upon meeting certain minimum conditions. It establishes a temporary Hawaii Inter-island Ferry Oversight Task Force to monitor operations.

Dear Chairs Souki and Oshiro,

My name is Janet J. Mindoro and **I strongly support the continued operation of the Hawaii Superferry.**

The Hawaii Superferry operations should not be treated any differently than any other form of transportation between the islands.

Environmental Concerns should always be first and foremost for Airlines, Container Ships, Cruise Ships, Barges, and any other form of transportation into and between the islands. NOT JUST FOR THE SUPERFERRY.

Spend the necessary funds to protect sensitive areas of each island regardless of HOW people get to an island.

Let the Superferry provide another way to visit the islands mostly for locals and also for tourist.

Sincerely,
Janet J. Mindoro
1130 Ahe Ahe Ave
Wahiawa, HI 96786
808-778-4550

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testimony

From: Georgel8@cs.com
Sent: Wednesday, October 24, 2007 5:48 AM
To: testimony
Subject: Super Ferry

I think we need to keep the superferry. If we lose the superferry and go! airlines we'll be plunged back into the dark ages. We need to keep Hawaii progressing with more options for local farmers to get their goods to market and alternative housing options to decentralize the population off Oahu.

Please keep Hawaii moving forward into the 21st century.

George Lucas
PO Box 38400
Waikoloa, Hi 96738

testimony

From: Isakara Sataraka [isksat@yahoo.com]
Sent: Wednesday, October 24, 2007 6:00 AM
To: testimony
Subject: SUPERFERRY

Economically I believe the Superferry will be a great help to travelers who do not have the money to rent cars when traveling to the islands and who cannot afford plane fares to travel. I believe it will create jobs for our economy as well.

Ike

testimony

From: Angela Sales Dept [islandangela2007@yahoo.com]
Sent: Wednesday, October 24, 2007 1:51 AM
To: testimony
Subject: my feelings about superferry

To whom it may concern:

I have been a proud American voter since I was 18. While I have avoided voting for things when I feel under informed, I do feel strongly about the Super Ferry. I remember fondly when still living on Kauai about the future arrival of the Super Ferry felt. I was like, "that will be so awesome for local families to be able to visit other islands with their families without breaking their bank accounts." Why? Because you can take camping gear in your SUV (which on Kauai everyone has!) and pack up the kids. Yeah, you have to pay for the passage and auto transport, but the amount of money saved in airfare and hotel and car rental and cooking... well I felt it was an opportunity that many would use and love. I have known many a Hawaiian who have never been outside of their side of the island let alone the entire island itself. Having been fortunate enough to visit all islands (except Niihau other than SCUBA trips) I feel that those people are really missing out. While it is awesome to travel the world, travelling within your own state can mean a whole lot, especially to people of culture for which this state represents.

Ok, so I'm not Hawaiian, I understand how awesome the entire state and culture is and feel the people native to Hawaii would most appreciate the opportunity to see the volcano for example.

I don't think I need to go into the haoles who would enjoy the same opportunity. Heck, my daughter and I have been fortunate enough to enjoy visiting each island and having experiences that not only money but connections and contacts have been a rare privelege that 99% of the kamaaina will NEVER have. So, again, this is why I support the Super Ferry. I do appreciate the need for environmental impact, but after living on Kauai and seeing the most polluted river in the State still running diesel boat tours... well, I just find it extremely superficial and hypocritical. Get those opponents on their polluting butts first!

Sincerely,
Angela Charlebois

Angela Charlebois
94-673 Kupuohi St. B-201 #305
Waipahu HI 96797
808-277-4088

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testimony

From: Sue Newman [kuklana@yahoo.com]
Sent: Wednesday, October 24, 2007 2:04 AM
To: testimony
Subject: Hawaii Superferry

I am sending my testimony for this most needed Superferry for Hawaii.

Please consider this for our wonderful people.

Sincerely,
Vera S. Newman

testimony

From: Ken Nagao [nagaopac@peak.org]
Sent: Tuesday, October 23, 2007 6:50 AM
To: testimony
Subject: Support of Hawaii's Superferry

I wish to voice my support of the proposed Superferry System which will provide another mode of transportation for locals as well as visitors to see the islands from another perspective and to encourage more inter island commerce.

Kenneth T. Nagao, Eugene, Oregon
Former Resident, now a frequent visitor to Hawaii

testimony

From: chboyes@hawaiiantel.net
Sent: Wednesday, October 24, 2007 2:52 AM
To: testimony
Subject: Superferry

To our legislature:

I am in full support of the Superferry operating in our Islands.

Where is all these protest coming from? I would be suspicious of the motive of these protestors. Somebody is paying them! We have lots of ships that move in Hawaiian waters. We even have lots of submarines that move real fast too. Did they bump any whales underwater?

Why wasn't there any outcry when the Navy tested that sonar underwater sound that frightened the whales? If Young Brothers are afraid of losing some business I suppose legislators could make some law restricting certain weight for cargo. If the rental cars are afraid of losing renters they could charge extra for cars going interisland. If the airlines are afraid of losing passengers, remember there are alot of people who still want to travel in less time. Superferry should be a welcome boost to our economy and a great benefit to our family who enjoy taking our family for a joy ride.

Clemie

From: Sumi [mailto:stars808@hawaiiantel.net]
Sent: Tuesday, October 23, 2007 10:04 AM
To: testimony
Subject: superferry

I hope that you vote in favor of the Super Ferry, it was going to be a great alternative to visiting family and friends on the outer islands. Now it seems that some of our family and friends don't want our business or our company. Is everyone on Kauai and Maui so well off that they don't need business there? And most of them are not complaining about the impact on the ocean life but their life. One woman on Kauai said that she saw cars with surfboards coming off the ferry and that means one more wave that a local won't get to ride. In Maui they complained about the traffic on the streets outside the harbor. So what are they really complaining about? If it's about what happens once people are there, then it doesn't matter how they got there.

When there is an emergency on another island the ferry would have made a great alternative for sending much need equipment and supplies. For instance currently aren't they awaiting supplies and equipment to fix bridges and roads from the earthquake.

And don't the people from Kauai remember the hurricane when they were all asking family members on Oahu if they or friends had boats to send them generators, ice and water or much need help and equipment. I know that I do because I had family members and friends calling me with the same request.

This is a needed alternative rather than waiting for the barge to ship you things.

I still don't understand why they oppose this ferry so much when the cruise ships, the cargo ships, and many sight seeing and whale watching boats, who in the past have harmed the whales have not seen any opposition. Does this mean the people of Maui and Kauai don't want anything coming to them at all and they want to be cut off. How will they get new cars or clothing or food? Will they all start coming to Oahu for long weekends to shop and clog our malls?

As a business person I welcome visitors to our islands. I have many clients and friends that work in the visitor industry and when they make money they are able to spend more with me and I am able to spend more for my family.

The almighty dollar will continue to go around with the help of the super ferry.

This also disappoints me to see what we look like on national news. Do you think visitors see the ALOHA? HVB will have to do damage control and no new business will want to do business in Hawaii. Everytime a new company tries they are put under deep examination.

Bottom line is what kind of message are we sending our children when adults say it is ok to go in the water to stop a boat or block the street or flat someones tires or hit their cars in rage? Our children need adults who are responsible and know when to expect change because that is what helps us grow.

Thank you
Sumi Ortanes

testimony

From: Roger Morton [rmorton@thebus.org]

Sent: Tuesday, October 23, 2007 2:23 PM

To: testimony

Subject: Re: Super Ferry

I support the Super Ferry and urge the Legislature to pass the draft bill allowing the superferry to operate with an EIS is prepared.

The Superferry is a form of public transportation that will be good for our state

J. Roger Morton
President and General Manager
Oahu Transit Services, Inc.
phone (808) 848-4508
email rmorton@thebus.org

testimony

From: james ray [jas.ray2@hawaiiantel.net]
Sent: Wednesday, October 24, 2007 3:40 AM
To: testimony
Subject: Superferry;

Please let the Superferry run while an EIS is being conducted. It is something the people of Hawaii need and want. It will be a great benefit to everyone in the state.

James Ray.

testimony

From: Dore Kalei Weber [kalei777@gmail.com]
Sent: Wednesday, October 24, 2007 4:28 AM
To: testimony
Subject: Hawaii Super Ferry is NEEDED in Hawaii
Importance: High

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

To Whom It May Concern:

I Support Hawaii Superferry.

I support Hawaii Superferry because it will enhance the quality of life for the residents of Hawaii. Seagoing travel between the islands will benefit local communities, allowing schools, sports teams, and residents to freely visit a neighboring island to attend community activities, visit family and buy and sell goods. It's affordable, convenient and gives local businesses and farmers a choice.

We need the choices Hawaii Superferry gives us. Don't let a few people spoil it for the majority. Listen to your constituents. The Hawaii Super Ferry complied with all the requirements put forth to them from the State. Do not punish them because of a few people. They were held to the same standards as all the other "boats" in the water.

Please listen to the people of Hawaii. We want this ferry. We NEED this ferry.

Aloha,

Kalei Weber & Family

testimony

From: StingrayEnter@aol.com
Sent: Wednesday, October 24, 2007 4:33 AM
To: testimony
Subject: HAWAIIAN SUPERFERRY SUPPORT

We need the Hawaii Superferry interisland ferry service. Its a great way so I can travel without having to fly and take my car for work...

*aloha
g byron*

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testimony

From: Lincoln Simmons [lincolnsimmons@hotmail.com]
Sent: Wednesday, October 24, 2007 5:01 AM
To: testimony
Subject: NO FERRY

NO FERRY!!!!!!! NO FERRY!!!!!!! NO FERRY!!!!!!! NO FERRY!!!!!!! NO FERRY!!!!!!! NO
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testimony

From: Onegeaeme@aol.com
Sent: Wednesday, October 24, 2007 5:02 AM
To: KauaiVeteran@aol.com; Pohlir@aol.com; duxiiw001@Hawaii.RR.com; letters@kuaipubco.com; letters@starbulletin.com
Cc: testimony
Subject: A Wash

1. When 250 vehicles arrive and 250 vehicles depart on the same day that is a wash. True or False
2. When 250 vehicles arrive and 100 vehicles depart on the same day that is NOT a wash. True or false.
3. The exact same number of vehicles will always arrive and depart on the same day. True or False.
4. When one arrives by plane:
 - a. one is either met by someone, rents some form transportation or walks. True or false
5. When one arrives in a vehicle by ferry: one is always visiting relatives. True or False
6. When one arrives in a vehicle by ferry one always has a reservation to stay in a hotel or motel. True or False.
7. No one in a vehicle arriving by ferry will ever sleep in his car during his stay. True or False.
8. New arrivals on the ferry will, unless he has arranged employment, have a round trip ticket. True or False
9. Anyone who has a concern about the environment is a fool and an idiot. True or False
10. People should not voice a concern about the answer to these questions. True or False .
11. All environmental studies in the islands should be abolished. True or False
12. The governor should have sole determination concerning the environmental impact of any new business venture coming to the islands. True or False
13. All passengers on the super ferry will...and must be...greeted with open arms by outer island residents.

Bettejo Dux
Kalaheo, Kauai 332-9626

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testimony

From: richard [richard@hawaiiplaningmill.com]

Sent: Wednesday, October 24, 2007 5:57 AM

To: testimony

Subject: Super Ferry

The Super Ferry is a much needed mode of transportation that must be allowed to operate during the environmental study. Please list me as a proponent.
Sincerely, Richard L. Foust

testimony

From: Gena Sansone [gtsansone@yahoo.com]
Sent: Wednesday, October 24, 2007 6:16 AM
To: testimony
Subject: Superferry testimony

**Relating to HB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Thursday, October 25, 2007 **TIME:** 9:00am
PLACE: Auditorium
Please distribute copies to the House members. Mahalo.

FROM: Gena Sansone **My Address** 515 Kapia road
Hana, Hawaii 96713
Tel 248-8964 **Email** gtsansone@yahoo.com

**HOUSE OF REPRESENTATIVES
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007
COMMITTEE ON TRANSPORTATION
Rep. Joseph M. Souki, Chair
Rep. Scott Y. Nishimoto, Vice Chair
COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair**

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

I am a resident of Hana, and I value our traditional, quiet way of life. The environment is very important to the Hana residents, but it is also important to the visitors who enjoy this last Hawaiian place. Please do your part to preserve the unique beauty and splendor of not only Hana, but all of Hawaii.

Thank you for reading and considering my testimony.

testimony

From: David Mogilefsky [mauisun@hawaiiantel.net]
Sent: Wednesday, October 24, 2007 6:38 AM
To: testimony
Subject: Superferry Could Shut Down Hawaii's Economy

TO THE HAWAII LEGISLATURE:

"I'm not going to Hawaii. All the islands are infested with those damn fire ants and coqui frogs."

That might be a typical comment in a few years all over the mainland and Japan if Superferry is allowed to carry vehicles and farm products from island to island without proper supervision of the alien species problem.

Aloha,

**David Mogilefsky
2751 Kauhale Street
Kihei, Hawaii 96753**

808-891-1602

testimony

From: Clifton_Lum/MCKINLEY/HIDOE@notes.k12.hi.us

Sent: Wednesday, October 24, 2007 6:44 AM

To: testimony

Save the Super Ferry.

testimony

From: Ginger Hall [wayan1@mac.com]
Sent: Wednesday, October 24, 2007 6:44 AM
To: testimony
Subject: FOLLOW THE LAW - NOT BIG CORPORATE DOLLARS!!!

Follow the law, please – or go home and let someone else do your job who knows the facts and the law.

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM:
GINGER HALL
8088950267
GINGERHALL@MAC.COM

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair**

**MY POSITION: Please honor the Court's decision to require an
Environmental Review of the HDOT Harbor project BEFORE allowing
the Superferry to operate. If you pass this bill, please include the
29 conditions proposed by the Maui delegation (based on the court
testimony during the recent trial.)**

testimony


From: Travel Shack [greenshack_travelshack@yahoo.com]
Sent: Wednesday, October 24, 2007 6:45 AM
To: testimony
Subject: Hawaii Superferry

To Whom it May Concern:

I am writing you to please consider keeping the Hawaii Superferry. This sort of service is desperately needed in the islands. I am a travel agent and have been for 19 years. Clients need this sort of service as well as the residents of the islands. The Hawaii Superferry adds a special service for transportation between islands in Hawaii that goes beyond the normal air flights. It also allows for clients to be able to rent a vehicle on one island and visit another island without having to turn in the rental vehicle and rent another on the other island. It also allows for visitors to be able to visit the other islands without having to check out of their hotels and recheck into another hotel, and also adds the extra income for the islands.

I urge you to reconsider keeping this valuable service in the Hawaiian Islands. Thank you.

Sincerely
Dana V. Peetz
Travel Consultant

Dana Peetz 
Travel Consultant/Notary Public
The Travel Shack
Phone: (909) 886-8081 Fax: (909) 881-4832
Office Hours: Mon-Fri 9:00am-6:00pm PST
Email: greenshack_travelshack@yahoo.com

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<http://mail.yahoo.com>

testimony

From: Merrill Bobele [MLBobele@comcast.net]
Sent: Wednesday, October 24, 2007 6:45 AM
To: testimony
Cc: All Senators; All Reps
Subject: Oppose Legislative Session to Override Court Rulings Re: Super Ferry

As a member of the Sierra Club, I oppose the Hawaii legislative session to override the court rulings that the Hawaii Super Ferry (HSF) must complete an Environmental Assessment before operating.

Sincerely,

Merrill Bobele
MLBobele@comcast.net
650-726-6429

testimony

From: timothy titus [sandwedgeislander@hotmail.com]

Sent: Wednesday, October 24, 2007 6:57 AM

To: testimony

Subject: Superferry

I am for the superferry starting to operate now. timothy c. titus 366 kuanalu pl, hon, HI 96825

Windows Live Hotmail and Microsoft Office Outlook – together at last. [Get it now!](#)

testimony

From: Judy Kawakami [jkawakami003@hawaii.rr.com]

Sent: Wednesday, October 24, 2007 6:59 AM

To: testimony

Please support the bill that will permit interisland ferry service in Hawai'i while an environmental impact statement is being conducted. Many of Hawaii residents depend on the tourism industry as employers, and the ferry is another addition to keep tourism growing in Hawaii and to keep our residents employed.

testimony

From: Jenn Driedger [jenn@generationeducation.com]
Sent: Wednesday, October 24, 2007 7:01 AM
To: testimony
Subject: FW: Super Ferry Hearing

From: Jenn Driedger [mailto:jenn@generationeducation.com]
Sent: Tuesday, October 23, 2007 6:39 AM
To: 'testimony@capitol.hawaii.gov'
Subject: Super Ferry Hearing

As a recent resident on the Big Island we speak from our experience of over whelming acceptance ever since we have arrived 9 months ago. We felt the Aloha spirit and the Mana. The environmental survey is of great importance and should be done.

We are talking easier access of imported and exported goods as well as your neighbors and friends from the other islands. You can stall progress but you can not stop it.

We support the SUPER FERRY! Where is your ALOHA SPIRIT!

Jenn Driedger
Unit 611
68-1025 North Kaniku Drive
Kamuela, HI
96743

808-443-8698

testimony

From: Linda Lambrecht [lambrech@hawaii.edu]
Sent: Wednesday, October 24, 2007 7:03 AM
To: testimony

YES, I, Linda Lambrecht, favor the support Hawaii Superferry. Many of us deafies really want to travel Maui, Kauai and Big Island for camp or Deaf club. It is good opportunity for all deaf people.

The Lambrecht Family

testimony

From: Seatree Osage [seatree@hawaii.edu]
Sent: Wednesday, October 24, 2007 7:06 AM
To: testimony
Subject: testimony for Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

October 24, 2007

Attention Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Oral testimony given on October 23, 2007 at Kealakehe High School at 3:00pm in regards to the special session

Please submit enough copies of testimony so that each Senate member on each of the concerned committees may have one.

Thank you for talking with us today at the Kealakehe High School. I am still concerned about the special session being called for the Hawaii Superferry. My concern is not whether the Superferry will run or not. I am concerned that Gov. Linda Lingle and some in our House and Senate seem to be disregarding the ruling of the Hawaii Supreme Court. There are many laws in our state that not everyone agrees with, but we do not get to pick and choose which ones we follow. If a judge rules, in a court of law, that someone is not following the law, we do not change the law to make an exception for that person. The Hawaii Supreme Court has ruled to apply the law as it is written in regards to the Hawaii Superferry. This is a law that was enacted by the House and Senate and approved by the Governor.

I am not saying that the Hawaii Superferry should never run, but there are many citizens of Hawaii that have valid concerns regarding the Superferry. These citizens' concerns should be addressed before the Hawaii Superferry begins service. That is what the environmental assessment is there for. More important than my opinion is the Hawaii Supreme Court's decision. If the special session does anything to overrule the current law, and Court's decision, it will set a precedent that has the potential for grave consequences for the future of our state. I am sure this has been discussed in both the House and Senate.

It is for that reason I am astonished that the special session is actually happening. In grade school I learned of our system of checks and balances, of the reason we had three branches of government, so that no one branch had all the power. Have we reached a point in our state where the judicial branch no longer matters?

According to an article posted on the HonoluluAdvertiser.com website on Sept. 17, 2007, "Some lawmakers, including some who favor the Superferry project, said they would oppose a special session as a bad

precedent for handling controversial development projects.”. I do not know if you are one of the lawmakers that the article is talking about, but I hope so. If you are not, I hope that you will reconsider. Please do not allow our state to be divided any longer. If this had been handled properly from the beginning we would not be in the mess we are now, but it was not. Please do not let it become any worse. Please do not take actions that will tell the citizens of Hawaii that they do not matter, that our system of checks and balances do not matter, and that the laws of Hawaii do not matter. Please do the right thing and not allow Hawaii’s laws to mean nothing.

Thank you for listening to my concerns on October 23, 2007 and in this letter. I look forward to the opportunity of having faith in my government, and knowing that our system still works.

Sincerely,
Seatree Osage
P.O. Box 28
Honaunau, Hi 96726

testimony

From: richard sloggett [eynokea@yahoo.com]
Sent: Wednesday, October 24, 2007 6:45 AM
To: testimony
Subject: Yes to EIS

You must require the EIS be done BEFORE the super ferry sails. If not, then the 29 conditions that have been recommended must be implemented and Lingle must be kept out of administering/enforcing them!

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

testimony

From: Mary Lacques [hokuokekai50@msn.com]
Sent: Wednesday, October 24, 2007 6:20 AM
To: testimony
Subject: Please Uphold Our Environmental Laws

Aloha Legislators

You MUST do the right thing by upholding Hawaii's environmental laws. The Hawaii Environmental Policy Act provides a minimal amount of protection of our environmental laws and our public process. No corporation should be exempted from its legal obligations. This would set a dangerous precedent for other corporations seeking to do business in Hawai'i.

The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The fundamental public right for hearings provided by an EIS should not be ignored.

Special treatment for special interests would create a dangerous precedent, affecting the environment and the islands inhabitants for generations to come.

As a resident of O'ahu I am strongly opposed to the Hawaii Superferry being allowed to operate before any EIS is completed.

Sincerely,
Mary Lacques
Hale'iwa

Mary Lacques
gmo-FreeOahu/HawaiiSEED
P.O Box 14
P.O. Box 14 Hale'iwa HI 96712
Haleiwa, HI 96712

783-8400

testimony

From: joe [mcshaw@alohabroadband.com]
Sent: Wednesday, October 24, 2007 7:23 AM
To: testimony
Subject: Super Ferry

ATTN: House Committee on Transportation and House Committee on Finance
DATE: Thursday, October 25, 2007
TIME: 9:00 a.m. Auditorium, State Capitol

HB 1 RELATING TO TRANSPORTATION

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.

Dear Chairs Souki and Oshiro:

My name is Joe McDaniel and I strongly support Hawaii Superferry and feel that it should operate while an EIS is being prepared.

The government employee who decided the Super Ferry did not need an EIS should be investigated for conflicts of interest and then probably fired.

The Super Ferry provides an enviromentally friendly alternative to air transport for moving materialand goods from island to island. Such ferrys operate sucesfully from Washington state to Alaska, through out Europe and cannot possibly present an enviromental hazard equal to that presented by freighters and cruise ships which visit ports all over the Pacific.

Joe McDaniel

808-938-8763

PO 377245

Pcean View, Hi. 96737

**[SIGNATURE
ADDRESS
PHONE NUMBER]**

testimony

From: Scott Crawford [scott@aloha.net]
Sent: Wednesday, October 24, 2007 7:23 AM
To: testimony
Subject: No exception for Superferry - EA before operation

Aloha Senators and Representatives,

I oppose a special session to change the law to make a special exception for this one business, the Superferry.

If such an exception is made, I urge strong mitigating conditions be placed on its operations, and that some entity independent of the Lingle administration be charged with setting, overseeing and enforcing the conditions, as the administration has proven its inability to do anything except push the ferry full speed ahead regardless of the law or environmental consequences.

Our environmental laws are there for a reason - to protect our islands and our communities.

The Senate even offered the DOT and Superferry a chance to perform an EA while operating, but they even lobbied against that.

The fact that they have so strongly resisted an EA gives a big clue that they know there will be *significant impacts*.

After listening to extensive testimony from both sides, the court ruled that the ferry would cause "irreparable harm."

The message here isn't that Hawaii is bad for business. The message is that businesses who want to operate in Hawaii need to follow our environmental laws.

If the legislature makes a special exception now, the message will be that if you have enough money and political clout, you can ignore our laws and the legislature will bail you out. It will be an invitation for others to do the same and then expect to be bailed out if they end up in the same situation.

No special session for special interests!

Sincerely,

Scott Crawford
PO Box 645
Hana, HI 96713
808-248-8808

testimony

From: Gina_Rocha/KOHALAM/HIDOE@notes.k12.hi.us

Sent: Wednesday, October 24, 2007 7:25 AM

To: testimony

It will be another good source of transportation for many. I support the Hawaii Superferry service in our islands.

testimony

From: nahaleplace@aol.com
Sent: Wednesday, October 24, 2007 7:29 AM
To: testimony
Subject: superferry support

I support the Supperferry for an additional means of transportation for catastrophic events.

Robert Trungale

Email and AIM finally together. You've gotta check out free AOL Mail! -
<http://mail.aol.com>

testimony

From: Justgumnazo@aol.com
Sent: Wednesday, October 24, 2007 7:32 AM
To: testimony
Subject: Re: Super Ferry Testimony

Thank you for submitting in testimony, but you did not include your full name. Please reply back to testimony@capitol.hawaii.gov with your testimony and your full name and we'd be happy to process it for you.

Mahalo,

Robbie - Public Access Room

From: Justgumnazo@aol.com [mailto:Justgumnazo@aol.com]
Sent: Tuesday, October 23, 2007 7:20 AM
To: Legislature'sPublicAccessRoomtestimony@capitol.hawaii.gov
Subject: Super Ferry Testimony

My family and friends would like to see the SuperFerry be part of our great state because it will allow us to visit the other islands at less expense. When you add the cost of a car to your vacation bill, it can add up. Having a family, this makes it more affordable and easier to get to than the traditional method of visiting the other islands. It also becomes part of the whole vacation package as riding the Ferry would be fun and exciting also. We would take more trips if this were our means of transportation. I feel that the SuperFerry is a positive step in providing more revenue for the other islands' economies by bringing more locals and tourists to their communities. Local people could visit their families more often. Most people are not "bringing plants and rocks" back and these items could be found by a screener at the points of entry/exit on the island. Overall, I think the SuperFerry is a great asset to our whole state. I commend our Governor and lawmakers for bringing this valuable asset to us. Thank you!

Donna and Dan Shockley

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testimony

From: patricia blair [cris6369@yahoo.com]
Sent: Tuesday, October 23, 2007 6:19 PM
To: testimony
Subject: Testimony - Special SUPERFERRY Session

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force,
etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: My Name Pat Blair _____(Your Signiture)_____
My Address 522 Uluhala St., Kailua, Hi. 96734
Tel 261-8499 _____ Email
cris6369@yahoo.com _____

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)But I strongly oppose allowing the Superferry to operate without the EIS first. It is the law. Please honor the law.

testimony

From: Gretchen Lambeth [Gretchen@HawaiianIsle.net]
Sent: Tuesday, October 23, 2007 6:40 PM
To: testimony
Subject: superferry - big island 10/22

I waited to testify but couldn't wait any longer...

I am in favor of the superferry!!!!!!!!!!!!!! We have been waiting 5 years and everyone knew it was coming... you don't give a approval to spend money and then revoke their ability to make it back... shame on us for even considering doing that! Mahalo

Gretchen L. Lambeth, Realtor, Principal Broker
"Never underestimate the power of a Redhead!"

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Real Estate Licensee in the State of Hawaii: THIS MESSAGE IS A SOLICITATION. If you no longer wish to receive my emails, please click "Reply" and type "Remove My Name" in the subject line.

testimony

From: Ed Varga [info@FSBO-World.com]
Sent: Tuesday, October 23, 2007 6:56 PM
To: testimony
Subject: Super ferry

Seems like the battle between pros and cons can go on forever. So whatever stipulations/rules/restrictions are now going to be crafted will be absolutely useless... unless the same is also mandatory for ALL users of Island waters. So if the Super Ferry has to abide by newly crafted rules, SO SHOULD ALL Navy ships, ALL Matson shipments, ALL Pasha shipments, ALL cargo shipments, ALL fuel shipments, ALL Cruise ships, and most importantly ALL airlines weather they come with cargo or passengers and weather they come inter-island or from the US mainland or foreign. And if the Supper Ferry has to stay out of operation while the new rules are crafted or while an EIS is done, then so SHOULD ALL of the transportation into Hawaii be suspended also.

Ed Varga – Publisher
For Sale By Owner – Magazine
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testimony

From: Steve Young [steve@canoegirl.com]
Sent: Tuesday, October 23, 2007 6:33 PM
To: testimony
Subject: SUPERFERRY SUPPORT

WHY I SUPPORT THE SUPERFERRY

I was born and raised on the Island of Oahu my entire life. And as long as I can remember, I along with all of my childhood friends dreamed of the day that freeways would connect each island. "Imagine if we could drive or bike to each island," we'd say. "That would be cool!" This was of course, a childhood fantasy that even at the tender age of 8, knew it couldn't become a reality. But fast-forwarding to the present, the idea of being able to drive from island to island could become a reality with the introduction of the Superferry.

Now why do I support the Superferry? Well, to start, some of it is for selfish reasons. I just want to be able to drive to other islands, Maui in particular, to eat some fresh Krispy Kreme donuts. I don't care if it cost me 150 dollars to drive there, I want my donuts, not these old fundraiser donuts I buy in front of Walmart. I also would probably love to fish on the outer islands, mountain bike my way through trails on the big island, soak up some scenery with friends and family, in other words, I'd like to have fun. I think it would just make my experience of living in the State of Hawaii, much more enjoyable. This is truly my personal feeling.

Do I care about the environmental impact of the Superferry? Of course I do. I care for the island as much as the next local who has lived here his entire life. But do I think the Superferry will harm our environment? Maybe, but not likely. I think whales, being one of the most intelligent creatures in the world, can navigate away from the Superferry if they see it coming. I don't see them bumping into barges, tour boats, fishing boats, I'm sure they'll be okay not bumping into the Superferry. And regarding an increase in traffic to the neighbor islands...I don't think this is a valid argument at all. Look, I'm either going to take my own car to Maui, or rent one when I travel. My impact on traffic will be the same if I traveled with the Superferry, or without it. My honest opinion is that many people who don't want the Superferry are exploiting the environmental movement to stop it. They, the people who are against the superferry, don't care about the environment at all. This is just their trump card. And I'm sure you know that.

Regarding the economic impact for the outer islands, well, I don't have to tell you this. It'll be a positive one. More money spent on the outer islands will mean more jobs, more business opportunities. More jobs, will mean that more people can create an honest living without dealing dope. And that will ultimately lead to less drugs on the street. So can the Superferry help with lowering drug use on the outer island... I think so. It's been proven that historically a strong economy results in lower drug use.

What the lawmakers and our Governor has to do is step up to the plate. The Superferry fulfils the childhood dream of most locals, to drive from island to island. Not only will it improve the economy for all islands, but it'll basically make living in Hawaii a lot more fun. In other words, it'll improve the quality of life economically and socially for all of us. It's that amazing.

If the locals here don't like it, hey the Superferry will go out of business. But the Superferry should be given the chance to go out of business on its own, or to succeed on its own. The fate of the Superferry should not be decided by judges or activist. This is America after all, and the free market should decide its success.

Give them a chance. Give them the chance to succeed or fail. That's all they are asking.
Steve Young (808) 479-0685

testimony

From: Sharon Pleas [kuine@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 7:02 PM
To: testimony
Subject: Superferry Testimony

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Sharon Pleas
PO Box 721, Waimea, Hawaii 96796
Tel (808) 337-9509
Email kuine@hawaii.rr.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

I AM OPPOSED TO ANY SPECIAL SESSION TO PROVIDE AFTER THE FACT LEGISLATION ON
THE JUDICIAL DECISIONS ON THE ADMINISTRATIONS ACTION NOT TO REQUIRE AN EIS
FOR STATE EXPENDITURES ON THE SUPERFERRY.

Mahalo,
Sharon Pleas

testimony

From: RMAKUA@hawaii.rr.com
Sent: Tuesday, October 23, 2007 7:04 PM
To: testimony
Subject: KEEP hawaii super ferry

I believe the super ferry has the rights to Operate in hawaii Oceans.
Provided they accept the need of safty of all. KEEP HAWAII
SUPER FERRY

testimony

From: Miranda Caban [miranda.caban@yahoo.com]
Sent: Tuesday, October 23, 2007 7:00 PM
To: testimony
Subject: testimony - Superferry Supporter

Dear Chairs Souki and Oshiro:

My name is *Miranda Caban* and I strongly support Hawaii Superferry.

I believe that this will be advantageous not only to the tourist industry which is the bulk of the Islands revenue, but also advantageous to the people who live here and have family members else where. I have lived in several places that have ferries such as this one and never heard of any problems with animals. Ships both military and commercial are on our ocean waters all the time, why are we even entertaining this thought of not supporting this effort to save money from our own pockets.

*Miranda Caban
91-1031 Kaimalie St 4W6
Ewa Beach, HI 96706
808-689-1050*

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testimony

From: Anaarch99@cs.com
Sent: Tuesday, October 23, 2007 7:02 PM
To: testimony
Subject: Testimony in Favor of Interisland Ferry Service Interim

Judiciary Committee
Labor Committee
Transportation Committee
International Affairs Committee
Energy Committee
Environment Committee

This is my testimony in favor of and support of the bill that will permit interisland ferry service to occur in Hawaii during the interim while an environmental impact statement is being conducted.

I am a long time Kamaiana living in Hawaii for 36 years. I just returned from a trip to the Pacific Northwest Seattle area and can testify firsthand of how great their ferry services are. It is a total shame that Hawaii with all its blue water ocean cannot even have a ferry service to and from the outer islands while there in the Puget Sound area, their ferry service is such a plus enhancement of their transportation service and is run like clockwork. A ferry service here would enhance the long-time local people as well as tourists. The ferries in Seattle handles so many tourist who loves the ferry boat rides. Me and my family are totally in favor of allowing the ferry services to continue; no questions asked.

It is totally shameful for a handful of mostly recent relocated mainlanders here on the islands to dictate how and what works for the majority of long-time locals. The minority should be heard, but they should not rule the day. Allow the environmental impacts and studies to begin and continue the service. If they could have hundreds of ferry operating in Seattle, the several operating here will not harm the environment. I am for protecting the environment, but this is going way too far; pendulum way too far to the left. Please let common sense rule. Thanks for accepting this testimony.

Allen Ng
808-942-3823

testimony

From: mitzi.kadohiro@hawaiiantel.net
Sent: Tuesday, October 23, 2007 7:10 PM
To: testimony
Subject: Hawaii Superferry

To Whom It May Concern,

We are in support of the Hawaii Superferry. The Superferry will give residents of Hawaii choices in traveling interisland. Also, it will allow business commuters to conduct business by allowing them to bring their trucks/vehicles with them.

Thank you.

Sincerely,
Melvin and Mitzi Kadohiro
81-6375 Keopuka Mauka Pl.
Kealahou, HI 96750
808 323-2819

testimony

From: Cindy Shiroma [cms@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 7:10 PM
To: testimony
Subject: super ferry

yes

testimony

From: karina35@aol.com
Sent: Tuesday, October 23, 2007 7:12 PM
To: testimony
Subject: Superferry

Please call the special session and save the superferry so we can have another means of getting to the outer islands if people are afraid to travel by plane or be too costly. We need to move forward with progress.

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

testimony

From: jim jenkins [jimpluselaine@hotmail.com]
Sent: Tuesday, October 23, 2007 10:14 AM
To: testimony
Subject: ferry

My Wife and I have booked 2 weeks in Waikiki in Jan.2008, and are looking forward to take the Ferry somewhere while we are there, We vacationed in Waikiki for 6 weeks in early 2007 and heard that the ferry will be in service in late 2007 we are looking forward for a ferry ride.

testimony

From: mauherek@earthlink.net
Sent: Tuesday, October 23, 2007 7:06 PM
To: testimony
Subject: i support the superferry

Aloha ,

My family and I have lived on Oahu for 3 years, but we are from the Gulf Coast of Florida.

Growing up in an hurricane prone area, I know what it feels like to prepare your home for the worst, to pack up your valuables and to evacuate to higher, more inland ground...not knowing if you will be still have a house when you return. (My mother would always pack her family Bible and photo albums first)

I love living in Hawaii, but I do get very nervous when I see a large storm headed our way. If a hurricane heads directly to Oahu, where will I take my family and how will we go?

If we fly to a neighbor island, we are limited to how much we can bring with us and we will have to rent a car once there.

I think the Superferry is the answer.

It can provide Hawaiian residents a way to evacuate to another island that is not in the direct path of the storm. If for no other reason, I think the people of Hawaii should support the ferry as an alternate means of help in emergency situations.

Please do what you can to provide a way for the Superferry to remain in Hawaii.

Mahalo,

Angel Uherek

mauherek@earthlink.net
EarthLink Revolves Around You.

testimony

From: Kevin C. [KevinMTB@hawaii.rr.com]

Sent: Tuesday, October 23, 2007 7:18 PM

To: testimony

Subject: Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Senate Committees: *Judiciary and Labor, Transportation and International Affairs, and Energy and Environment*

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

I am writing this e-mail to show support for Hawaii Superferry. I think that it will benefit Hawaii to have the opportunity to travel between islands via a ferry. Thank you, Kevin Chapman

testimony

From: Steve Maze [samaze@hawaiiantel.net]
Sent: Tuesday, October 23, 2007 7:20 PM
To: testimony
Subject: superferry

Dear Members,

I support the superferry service for Hawaii. I will use it as a way to travel, rather than by air, to the other islands. I do think that an EA should be done but that the ferry be allowed to operate while this is happening. I am FOR the ferry service.

Aloha,

Steve Maze

3-3400 Kuhio Hwy A407

Lihue HI 96766

808.245.2503

samaze@hawaiiantel.net

testimony

From: isaacinla@gmail.com on behalf of Isaac Lieberman [Isaac@LiebermanSolutions.com]

Sent: Tuesday, October 23, 2007 7:20 PM

To: testimony; All Senators; All Reps

Subject: We oppose the Legislative Session's proposed override of the Hawaii Super ferry court rulings

The Honorable Governor Lige,

Please do not destroy 30 years of environmental law and protections with HRS343.

The Sierra Club won in court three rulings (the supreme court ruling was unanimous) stating the Hawaii Super Ferry (HSF) must complete an Environmental Assesment before operating.

These rulings were correct and they must stand.

Thank you,

Isaac Lieberman

testimony

From: Rhoda Ann Ohashi [rhodaann_ohashi@yahoo.com]

Sent: Tuesday, October 23, 2007 7:14 PM

To: testimony

Subject: superferry

100 percent for the superferry. we need another way of transportation.

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<http://mail.yahoo.com>

testimony

From: Clfong@aol.com
Sent: Tuesday, October 23, 2007 7:21 PM
To: testimony
Subject: SuperFerry

Aloha Legislatures:

I live on the Big Island of Hawaii. **I AM IN FULL SUPPORT OF THE SUPERFERRY!**

We need alternative transportation for all residents - flying is unpleasant and difficult at best.

The SuperFerry has, in my opinion, gone above and beyond the call of duty of designing a vehicle to be as environmentally friendly as possible - that is the number one issue behind being environmentally friendly! Are we making the airlines, barges?, Cruise Ships? do EISs after the fact - probably not because we would not like what we really would find out.

I honestly believe that the SuperFerry is a win-win for the residents and visitors to Hawaii and a great big positive for our Hawaii economy. Please find a way to keep them here rather than cede to the extremist environmental views.

Thanks!

Cindy Fong

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testimony

From: Planet Charlie [planet_charlie@hotmail.com]
Sent: Tuesday, October 23, 2007 7:20 PM
To: testimony
Subject: Testimony concerning Hawaii Super Ferry and Enviornmental Impact statement

To whom it may concern;

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

Delaying, impeding or jeopardizing the operations of the Hawaii Super Ferry is not in the best interest of the People of Hawaii. Suggest that Environmental Impact Statement be conducted concurrently with Normal Operations of the Hawaiian Super Ferry.

Delaying operations would only cause hardships and economic losses to the People of Hawaii.

Remember how long it took for H1, H2, H3 !

Remember how the state lost one of the most forward thinking research and development projects because of a very few individuals complaining..... i.e.

Remember all the other times that poor planning hurt the People of Hawaii (yes, the Environmental Impact Statement should have been completed BEFORE plans to build the Ferry and its infrastructure.

Thank You

Charles Cook
1720 Ala Moan Blvd.
Honolulu, Hawaii 96815

10/24/2007

testimony

From: Cifong@aol.com
Sent: Tuesday, October 23, 2007 7:23 PM
To: testimony
Subject: Super Ferry

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

Aloha Legislatures:

I live on the Big Island of Hawaii. **I AM IN FULL SUPPORT OF THE SUPERFERRY!**

We need alternative transportation for all residents - flying is unpleasant and difficult at best.

The SuperFerry has, in my opinion, gone above and beyond the call of duty of designing a vehicle to be as environmentally friendly as possible - that is the number one issue behind being environmentally friendly! Are we making the airlines, barges?, Cruise Ships? do EISs after the fact - probably not because we would not like what we really would find out.

I honestly believe that the SuperFerry is a win-win for the residents and visitors to Hawaii and a great big positive for our Hawaii economy. Please find a way to keep them here rather than cede to the extremist environmental views.

Thanks!

Cindy Fong

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testimony

From: Paul Bryant [yant1952@juno.com]
Sent: Tuesday, October 23, 2007 6:57 PM
To: testimony
Subject: Superferry Legislation

Having lived on the Big Island for seventeen years, I have experienced all the ups and downs of interisland travel.

Although I would be interested in eventually using the ferry service, I had for many years a business just outside the gate to Kawaihae Port. From that vantage point I could easily imagine the chaos that will ensue when the ferry begins service to & from there. I feel the legislature made a massive mistake by not requiring the ferry to have an EIS in place and although I believe the courts could certainly have acted in a more timely manner, I also believe their ruling that it must be done BEFORE continuing with service is the right and proper manner to proceed.

I trust members of our legislature will **not** be swayed by the hysterics of the few or any economic pressures from the ferry owners or similar pressures from the governors office.

The right thing is not always the easiest thing to do but ultimately the right thing is the **ONLY** thing to do! Please follow the law and not try to bend it to your will(s).

Sincerely - PAUL BRYANT

Tel: 937-9231

testimony

From: Lmizuno1@aol.com
Sent: Tuesday, October 23, 2007 7:29 PM
To: testimony
Subject: Super Ferry

Please do what you can to get the Super Ferry up and running. It is ridiculous that a few idiots can cause so much trouble. We need to let business do business in the state or we are going to really be in trouble. If people don't want to support them, they don't have to give them their business. But just to close down business like them have is terrible for everyone!

Thank you for your efforts.

See what's new at AOL.com and [Make AOL Your Homepage](#).

testimony

From: Melanie Basilio Abad [mabad@campus.hpu.edu]
Sent: Tuesday, October 23, 2007 7:36 PM
To: testimony
Cc: mabad4u@yahoo.com
Subject: Hawaii Super Ferry

Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair
Committee on Transportation and International Affairs

Wednesday, October 24, 2007
10:30 a.m.
State Capitol Auditorium
415 South Beretania Street

Support of inter-island ferry

The Hawaii Super Ferry vessel capable of transporting people of all ages, motor vehicles, and cargo during times of leisure, business, and more importantly during disaster and emergency. We support the subject of this bill to permit the operation of an inter-island ferry service in the State of Hawaii while an environmental impact statement is being conducted. Meanwhile, a priority with ensuring that there is adequate protection of the environment.

It is quite evident that in the public interest that it provides an alternative mode of transportation between the islands for kamaaina and visitors of the state. Not to mention, the world-wide publicity of rough waters in the Hawaiian Islands in regard to this matter. Many of whom, residents, former residents, and visitors alike, feel there is no need for such dismay and anarchy. Instead, contemplating in riding the beautiful waters to the different islands in a smooth sailing vessel. We urge the committee to put the ferry back in service. We highly anticipate the availability of scenic voyages, increased employment, higher quality produce and fresh food products, and most especially the attainment of a sense of community and "we-ness" within the state.

It is to be hoped that whatever justifiable decision comes out of all this, we, the people of the State of Hawaii, will approach such matter with dignity and aloha.

Thank you for your time and consideration.

Melanie Abad
94-904 Kumuao Street
Waipahu, HI 96797

testimony

From: Ka`iana Haili [khaili@hawaii.edu]
Sent: Tuesday, October 23, 2007 7:38 PM
To: testimony
Subject: Is this about economy vs environment

Aloha Legislators

I send this to all pertinent legislators; it is imperative to stop what will be taken to and removed from other islands; our resources will be depleted as our pollution will increase; this was the purpose of our ahupua`a to hold our resources sacred it was kuleana [privilege and responsibility] of each place to care for their own ? If we cannot take care of the land ? the land cannot take care of us, we do not need another ferry or mode of transportation but we do need to keep Hawai`i pristine it is our destiny.

My name is Ka`iana Haili, as an entitled caretaker of the `äina [land and sea] of Hawai`i nei it is my responsibility to take a stand on the issue of the proposed ferry systems for the future generations of keiki o Hawai`i. I am not against progress but I support all residents be informed and included in all legislation in Hawai`i and the nation, therefore it is inherently our right to be included in all hearings. I have testified for many years on bills in legislation via email unfortunately by the time these bills are posted I am lucky to have one day to prepare testimony. The outer islands are continually under represented in the legislation process and we need to be heard.

I work in education, and as a UHPA representative, I work in social services for numerous non profit agencies providing services for our communities our government does not support, such as domestic violence, homelessness and our under educated over crowded prisons to name a few. I cannot and would not support any measure, project and or legislator that would support any measures or action without full approval of the board, members and most importantly the individuals affected by those decisions.

Please work together to correct the wrong that was committed when the governor and supporters allowed this exploitation [super?ferries] to begin without representation from the public, which includes outer island hearings. We are concerned about many environmental and infrastructure [traffic] problems that already exist. Including the cultural impact that we have not yet heard from; the first, last and only ferry that left Maui had at least two truck loads of pöhaku [rocks] being moved from Maui to O`ahu for questionable landscaping purposes, although this may or may not have been a legal transaction between corporations if you have been in Hawai`i for any amount of time you should realize the implications of moving pöhaku for Native Hawaiians [and they wonder why it stopped]. What will happen when anyone can travel between islands to gather palapalai [sacred ferns of Pele], `ohi`a and koa trees [for landscaping?], fishing anywhere anytime will impact to depletion of all our resources, to hunt; pigs, goats, and the coqui frogs will be on all islands, gather kiawe wood to sell, or worse burial cave exploration?and take home what ever they like? Can DLNR monitor these events, can legislation protect our culture, and are we allowed to voice our concerns?

Mahalo, I know my ancestors are listening, are yours?

Sincerely

Ka`iana Haili

PO Box 4752

Hilo, HI 96720

808-895-5511

Ka`iana Haili
Ke Kahua Pa`a
PO Box 4001
PO Box 4752, Hilo, HI 96720
Hilo, HI 96720

testimony

From: Patricia Kalili [pkalili@earthlink.net]
Sent: Tuesday, October 23, 2007 7:42 PM
To: testimony
Subject: Hawaii's Superferry

I may be speaking out of turn as I have not followed the minute details of this situation. But I am appalled *following the construction of this awesome ferry, the money spent to equip the harbors to support it and the absolute need for this additional interisland transportation opportunity*, that a few disgruntled activists have been successful in stopping/holding up its use in Hawaii.

Realizing that the large interisland cruise lines plow our waters on a regular basis, how can this ferry which will directly benefit island families and commercial transportation be the target of such ridiculous unbelievable accusations of dissent?

I petition our Legislature to step up to the plate and use your powers and ability to remove these threats and stoppage and get the ferry in operation. I am originally from Mobile, AL and was ecstatic that the great ship builders there made the first ferry ready for launch and brought it to Hawaii; plus a second one is in the works.

How could all these problems not have been worked out many months back!!!! Thank you for listening and reward us with your support for this great addition to our interisland transportation needs.

Patricia Kalili
Hilo, Hawaii

testimony

From: Shaka 1 [shaka1@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 7:51 PM
To: testimony
Subject: Superferry.

The environmental survey is just an excuse. Make all other interisland carriers do one if it is so important. Hawaii is just showing the world how they don't like any change, competition and why Hawaii is the worst state in the USA to do business. The people protesting the Super ferry are as clueless as the people that think the railway will solve our traffic problem. Thank You.

testimony

From: Marsha Watanabe [momrules808@yahoo.com]
Sent: Tuesday, October 23, 2007 7:52 PM
To: House Record
Cc: testimony
Subject: Hawaii Superferry Support Testimony

ATTN: House Committee on Transportation and House Committee on Finance

DATE: Thursday, October 25, 2007

TIME: 9:00 a.m. Auditorium, State Capitol

HB 1 RELATING TO TRANSPORTATION

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*.

Dear Chairs Souki and Oshiro:

My name is Marsha Watanabe. I have been a resident and taxpayer in Hawaii for over 40 years. I will not be present to speak in person, but would like you to consider my strong support for the Hawaii Superferry.

It is not in the interests of Hawaii to be viewed as not treating new businesses fairly. Especially when that new business is perceived to have jumped through all of the hoops to do business in this state. What people see is that a new business thought they had the "okay" from all of the appropriate federal, state and local officials to proceed, only to be allowed to be stopped by a rude irrational mob of protesters.

The emotional loud protesters have been allowed to divide the people of Hawaii and appear to be using the Hawaii Superferry as the scapegoat for all of the perceived ills in their world. I don't feel it is their right, nor any citizens right, to exclude access to any of the islands from one another. I don't believe that protesters have the right to take away a choice I might have with how I travel between the islands. It is frightening to think that we are living where mob mentality has taken over and it doesn't appear that officials know how to protect us from such behavior.

I believe that the Hawaii Superferry has taken appropriate precautions to do no additional harm to the environment and will indeed provide a positive alternative method of travel for us. Since an environmental assessment (EA) has now been deemed necessary, at this eleventh hour, I believe the Hawaii Superferry should be allowed to continue to operate while the EA is being conducted. The outcome if they are not allowed to resume service is obvious, Hawaii Superferry will be forced out of business here, but the people of Hawaii will have to deal with the ugly aftermath for generations to come.

Sincerely,
Marsha Watanabe
email: momrules808@yahoo.com

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10/24/2007

testimony

From: Karen [wnishigata@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 8:04 PM
To: testimony
Subject: Testimony for Super Ferry

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

I Karen Nishigata, am in favor of allowing the Superferry to continue to operate during the environmental impact study.

I feel that any type of alternative means of travel between the islands is beneficial to everyone. I also feel that one small ferry cannot have any more adverse impact on our environment than those very large cruise ships do!

testimony

From: DEREK NAKASHIMA [derekcnakashima@yahoo.com]

Sent: Tuesday, October 23, 2007 8:17 PM

To: testimony

Subject: keep it going

we need this super ferry! this will help all people of hawaii as well as our friends from abroad. those who object to this are just hopeless narrow minded people. if they are protecting the mammals of the sea.why do they drive cars, they might hit mammals on land. keep this wonderfull ,new way of travel going. thanks

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testimony

From: John T Hays [johnthays@gmail.com]
Sent: Tuesday, October 23, 2007 7:03 PM
To: testimony
Cc: Susan B. Hays
Subject: Testimony of John T. Hays

My name is John T. Hays, and I have been a Hawaii resident for 24 years. My wife Susan and our Brazilian partner came here in the 80's to plant Hawaii's first (and the USA's first) mechanized coffee plantation. Ultimately we provided jobs and an environmentally friendly crop on an island (Molokai) where these were sorely needed. Yet our path was strewn with petards and land mines. Frequently we appealed to the State government and community for assistance, and we were met with opposition from those who perceived us as competitors in the industry, along with people in the State government who seemed to be interested only in creating new hoops for us to jump through. The Super Ferry was conceived as a major service to Hawaii's islands and her people. The invention of spurious obstacles at the eleventh hour helps no one, and will only serve to drive away those who would invest here and do business here in the future.

I urge you to support and facilitate the launching and running of the SupeerFerry.

Aloha,

John T. Hays

viz: <http://teaandcoffee.net/1200/coffee.htm>

testimony

From: Dennis Chun [kahoi@hawaiiantel.net]
Sent: Tuesday, October 23, 2007 7:21 PM
To: testimony
Subject: ferry special session

As a concerned citizen,

I am opposed to this special session and the attempts to bail out a private business. This is a detriment to the process that has been carried out. What is being proposed is the changing of the rules to suit a corporation and those with money and power. Like, we're not winning so lets change the rules so that we do win.

How can you justify taking the chance of irrevocable harm to not just the environment, but also the social fabric of the outer islands. How do you justify the "wants" not the needs of urban Oahu against that of the outer islands which are struggling just to keep a rural lifestyle and culture for everyone, including Oahu, from disappearing forever! How can you justify that? The ferry is a "want" not a necessary entity. We have been surviving without this ferry for decades.

This is a very short sighted move on the administrations part and on your part if you decide to allow the ferry to operate without an EIS. Why not do a good job in the first place and not try to patch something together for the sake of threats from this unethical corporation. They have not been forthright from the start of this, why should they do so now?

There is an Olelo No'eau about Kaua'i that goes like this. "Pa'akiki kanaka o Kaua'i". Translated it means that , "the men of Kaua'i are hard (tough)". This comes from a story that relates that at one time O'ahu had a group of cannibals. They would be very hospitable during the day and invite guests to spend the night. Once the guests were asleep, they kill and eat them. One day a group of Kaua'i men arrived and were invited to stay. One man was suspicious and hid while the rest of his companions fell asleep in the hale. He watched in horror as his companions were killed and devoured. He returned to Kaua'i and relayed the story to Kaua'i. He and another group of men planned a return to O'ahu, but this time they fashioned images of them and hid them in the canoes as they approached. Once again they were invited to stay and they agreed. But, as darkness deepened, they were able to sneak in the wooden images and then hid outside of the hale. When the cannibals came to devour the guests, they bit only on hard wood and from this came the utterance "Pa'akiki kanaka o Kaua'i". The Kaua'i men then surrounded the hale, set the hale on fire, and killed all of the cannibals. Thus, ending the terror of these cannibals on the island of O'ahu.

So, Kaua'i once again is trying to not only save itself, but also the island of O'ahu that has maligned the intentions of us. O'ahu also needs to realize that the influx of anything to the outer islands, also exposes themselves to these same impacts. Can O'ahu handle another 500 cars at rush hour (everyday and maybe twice a day)? Can O'ahu handle hundreds more impacting their public facilities? Hey, maybe this will be another way for the growers and producers of drugs to hit the larger market of O'ahu?

10/24/2007

Maybe O'ahu needs more invasive species as croqui frogs, bee mites, miconia, fire ants (I don't really like these ants), or anything else that is out there. Urban areas are prime areas for these pests to make new homes. Because food, water, and shelter are so convenient and easily accessible. The people of O'ahu should also be really concerned about how this will affect their own neighborhoods.

The motto of State of Hawaii should say "E mau ke ea o ka aina i ka pono" Not "Ua mau". "Ua" is a past tense marker, whereas "E" is an active and ongoing tense marker. But, the key word of course is "pono". Pono, the right thing in relation to the environment, the spiritual realm, as well as the people, **not money**.

Me ke aloha ha'aha'a,

Dennis Kaho'i Chun

testimony

From: Hope Kallai [lokahipath@hotmail.com]
Sent: Tuesday, October 23, 2007 7:32 PM
To: testimony
Subject: Kauai testimony Hawaii Superferry

October 22, 2007

Hope Kallai
 Malama Moloa`a
 POB 655
 Kilauea, HI
 lokahipath@hotmail.com

Re: Hawai`i Superferry, Inc.
HEARING DATE: Wednesday, October 24, 2007
TIME: 10:30 a.m.
 <!--[if !supportLineBreakNewLine]-->
 <!--[endif]-->

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
 Senator Clayton Hee, Vice Chair
testimony@capitol.hawaii.gov

Aloha Senators:

Mahalo for the opportunity to address the proposed bill concerning large capacity inter-island ferry vessel. I feel there is inadequate environmental information available to make any decisions on potential impacts of the Hawaii Superferry, Inc. (HSF) to endangered species of Hawai`i and I am very concerned about the proposed bill. Hawai`i, the hotspot of extinctions, has more endangered species per square mile, than any other place on the planet. No matter what actions the state of Hawai`i takes overturning Hawai`i Revised Statutes 343, the Hawai`i Environmental Policy Act (HEPA), the National Environmental Policy Act (NEPA) prevails and NEPA regulations must be adhered to.

NEPA takes precedence over Little NEPA (HEPA), as has been established by case law for over thirty years. No initiation of service can be made without National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) considerations, including Habitat Conservation Plans (HCP) and Incidental Take Procedures (ITP) for every potentially impacted endangered and threatened species; low income and cultural impacts; cumulative impacts; and project alternatives and potential impacts to critical habitat areas and environmentally sensitive areas.

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Section 102(2) of the NEPA contains "action-forcing" provisions that ensure that federal agencies act according to the letter and the spirit of the law prior to any impacting action. The HSF is a major federal project due the federal funding received by the HSF through the United States Department of Transportation Maritime Administration (MARAD) Title XI loan of \$139,731,000.00 to Hawaii Superferry,

10/24/2007

Inc., and NEPA must be considered in regards to all the endangered species of Hawai'i and it's waters.

MARAD had reservations about the lack of environmental scrutiny;

On March 28, 2005 MARAD, in granting their Categorical Exclusion stated:

Based on the information available at that time, there appeared to have been very little, if any, NEPA or state environmental work performed related to the proposed ferry service that would be adequate for MARAD's responsibilities under NEPA. ..

But based their Categorical Exclusion on the Hawaii state Categorical Exemption issued by Hawaii Department of Transportation (HDOT), qualifying that:

MAR-820 recommends that the loan guarantee contract contain the requirement that Hawaiian High Speed Ferry (HSF) Corporation comply with all applicable environmental laws and regulations.

Serious consideration needs to be given to the validity of the MARAD Categorical Exclusion that was based on the Hawaii State Department of Transportation Categorical Exemption, since the ruling No. 27407 of the Hawaii Supreme Court on August 31, 2007, invalidates the state DOT Categorical Exemption. Wouldn't the MARAD Categorical Exclusion be invalidated also?

Sec. 1502.3 Statutory requirements for statements.

As required by sec. 102(2)(C) of N 8). Significantly (Sec. 1508.27). Affecting (Secs. 1508.3, 1508.8). The quality of the human environment (Sec. 1508.14).

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(e) The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decision maker.

(f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1).

In *Hawaii Superferry: Commitments and Actions to Address Environmental Concerns*, prepared for Hawaii Superferry, Inc., February 2007 by CH2M Hill, there are no comments included by any wildlife agencies. It is stated that the DAR of DLNR was contacted in 2006, but no comments were specified. I'm not sure why Aquatic Resources, not Marine Resources, was contacted, but Kauai Aquatic Resources was not asked for input to potential impact to Huleia River (D. Heacock, pers.comm). Page 24 of *Hawaii Superferry: Commitments and Actions to Address Environmental Concerns*, includes:

3.10 Agency Consultation

As mentioned throughout this document, agencies were consulted by HSF for applicable functions.

That's all. This is horribly inadequate and does not satisfy NEPA requirements.

The only wildlife species mentioned in the document are migratory humpbacked whales, Hawaiian monk seals and green sea turtles, but no contributing agency input. There are many other whale species afforded endangered species protection and other listed sea turtles. There is no mention of potential impacts to endangered and migratory birds. Potential impacts to all federally listed threatened and endangered plant and animal species must be given full consideration under the National Environmental Policy Act (NEPA) before any potentially impacting action is taken. Section 7 consult must begin with federal wildlife agencies.

Potential impacts to federally-listed threatened and endangered plant and algae species by introduction of invasive species of plants and animals is monumental and must be considered on an island-by- island basis due to the unique biological diversity of each island and cumulatively, to the entire state. Introduction of

mongoose to sensitive habitats for ground nesting birds could have population extinction potential.

NEPA consideration of potential impacts to threatened and endangered Hawaiian species must include:

`Alae `ula, Hawaiian moorhen, (*Gallinula chloropus sanvicensis*); `Alae ke `oke `o, Hawaiian coot, (*Fulica alai*); `Ae `o, Hawaiian stilt, (*Himantopus mexicanus knudseni*); Koloa maoli, Hawaiian duck, (*Anas wyvilliana*); Nene, Hawaiian goose, (*Branta sandvicensis*); `Ua `u, Dark rumped petrel, (*Pterodroma phaeopygia sandwichensis*); `A `o, Newell's shearwater, (*Puffinus auricularis newelii*); `alala, Hawaiian Crow, (*Corvus hawaiiensis*); Band-rumped storm petrel, (*Oceanodroma castro*); Manu o ku, White tern, (*Gygis alba rothschildi*); `io, Hawaiian hawk, (*Buteo solitarius*); Short-tailed albatross, (*Phoebastria albastrus*); `akohekohe, Crested Honeycreeper, (*Palmeria dolei*); Nihoa Millerbird, (*Acrocephalus familiaris kingi*); Kauai Nukupu `u, Kauai nukupu `u, (*Hemignathus lucidus hanapepe*); Maui Nukupu `u, Maui nukupu `u, (*Hemignathus lucidus affinis*); `O `o `a `a, Kauai `O `o, (*Moho braccatus*); `O `u o `u (*Psittirostra psittacea*); Palila, palila, (*Loxioides bailleui*); Maui Parrotbill, (*Pseudonestor xanthophrys*); Po `ouli, po `ouli, (*Melamprosops phaeosoma*); oloma `o, Molokai Thrush, (*Myadestes lanaiensis rutha*); kama `o, large Kauai Thrush, (*Myadestes myadestinus*); puaiohi, small Kauai Thrush, (*Myadestes palmeri*); ilio holo i ka uaua, Hawaiian monk seal, (*Monachus schauinslandi*); koholā, Humpback whale, (*Megaptera novaeangliae*); Sperm whale, (*Physeter macrocephalus*); Blue whale, (*Balaenoptera musculus*); Fin whale, (*Balaenoptera physalus*); Sei whale, (*Balaenoptera borealis*); North Pacific right whale, (*Eubalaena japonica*); Olive ridley turtle, (*Lepidochelys olivacea*); Leatherback turtle, (*Dermochelys coriacea*); Loggerhead turtle, (*Caretta caretta*); Honu `ea, Hawksbill turtle, (*Eretmochelys imbricate*); Honu, Green sea turtle, (*Chelonia mydas*); and the `Ope `ape `a, Hawaiian Hoary bat, (*Lasiurus cinereus semotus*);

The following birds are offered protection under the Migratory Bird Treaty Act: Eurasian Skylark, (*Alauda arvensis*); House Finch, (*Carpodacus mexicanus*); Northern Cardinal, (*Cardinalis cardinalis*); Kolea, Pacific Golden Plover, (*Pluvialis fulva*); Band-rumped Storm-Petrel, (*Oceanodroma castro*); White-tailed Tropicbird, (*Phaethon lepturus*); Wandering Tattler, (*Heteroscelus incanus*); Bristle-thighed Curlew, (*Numenius tahitiensis*); Pueo, Hawaiian Shorteared Owl, (*Asio flammeus sandwichensis*).

The Hawaiian archipelago is home to 22 species of breeding seabirds, three of which are endemic to the islands. Presently 75 % of known Hawaiian seabirds are extinct or threatened with extinction and listed on the Federal Endangered Species List (USFWS 1985). Island seabird populations have been declining worldwide. Seabirds within the Hawaiian archipelago are vital to a well-balanced marine ecosystem.

The following sea birds are found in Hawaiian waters: Moli, Laysan albatross, (*Phoebastria immutabilis*); Black footed albatross, (*Phoebastria nigripes*); `A, Brown booby, (*Sula leucogaster*); `A, Masked booby, (*Sula dactylatra*); `A or Mahi, Red-footed booby, (*Sula sula*); `Iwa, Great frigate, (*Fregata minor*); Black noody, (*Anous stolidus pileatus*); Noio koha, Brown noddy, (*Anous minutus*); Blue noddy, (*Procelsterna cerulean*); `Ou, Bulwer's petrel, (*Bulweria bulwerii*); Bonin petrel, (*Pterodroma hypoleuca*); Christmas shearwater, (*Puffinus nativitatis*); `Ua `u kani, Wedge-tailed shearwater, (*Puffinus pacificus*); `Ewa `ewa, Sooty tern, (*Sterna fuscata*); Koa e `ula, Red-tailed Tropic Bird, (*Phaethon rubricauda*); and Koa e ke `o, White tailed Tropicbird, (*Phaethon lepturus dorotheae*) must be considered.

The Hawaii High Speed Ferry, Inc. has operated as an errant vendor of our ports, and has not followed recommended environmental procedures. Improvements to our port facilities are not wasted can perhaps be better used by a vendor that would be environmentally more respectful of state and federal laws and not cause so much trouble and litigation encumbrances. Perhaps an inter-island passenger ferry system would be a more environmentally sensitive start. If the speed of the proposed HSF and the invasive species transfer by vehicle transport are the most critical issues, has any compromise been considered by HSF? Is this the kind of privatization of our port services that we, as a state, really need? Do we really need a Super- fast,

Super Ferry?

Many companies operate with consideration to HEPA and NEPA; those that do not should not be offered special consideration. The Hawaii High Speed Ferry, Inc. cannot be allowed to begin operation without NEPA considerations. HEPA must not be overturned or compromised. The State of Hawai`i cannot risk federal enforcement of NEPA. Please follow the letter and intent of HEPA and NEPA and protect the endangered species of Hawai`i.

In Part IV, SECTION 12 (a), the department of transportation is authorized to establish a temporary Hawaii inter-island ferry oversight task force to examine the environmental impacts of the ferry. *Suggested makeup of the taskforce does not include any wildlife official (the BLNR member is not necessarily a wildlife appointee).* Qualified state and federal wildlife endangered species agencies must be included, like the U.S. Fish and Wildlife Service, National Marine Fisheries, National Oceanic Atmospheric Administration, Pacific Marine Fisheries and Hawai`i Department of Land and Natural Resources endangered species specialists and the invasive species committees of each island. The temporary Hawaii inter-island ferry oversight task force shall meet monthly, commencing with December 31, 2007. With service attempted to begin late October, 2007, that would mean a 60 day gap in impact reporting or invasive species transfer. That is unacceptable. Where is monitoring mandated? The temporary Hawaii inter-island ferry oversight task force is scheduled to "submit a final report of its findings and recommendations to legislature and governor no later than twenty days prior to the convening of the regular session of 2009". 2009!!!!. Entirely unacceptable.

Thank you very much for your time and consideration. These decisions you are making will affect many generations of our grandchildren and their quality of life in these islands. Please include the following in your Hawai`i Superferry legislation:

- **NEPA consult must begin immediately with qualified state and federal agencies on all the endangered species of Hawai`i potentially impacted with this new mode of high speed travel, as mandated by law.**
- **Qualified federal and state agency endangered species and wildlife biologists must be included in the temporary Hawaii inter-island ferry oversight task force.**
- **Agency monitoring and more rapid reporting/response time must be mandated as part of this new law. The governor cannot wait until 2009 to be informed of the status of impacts.**
- **The status of the MARAD Categorical Exclusion must be reevaluated since the revocation of the Hawai`i DOT Categorical Exemption.**
- **Please reevaluate the Public Utilities Commission Permit Decision and Order No. 21524 and reconsider if the Hawai`i Superferry, Inc. is truly in the public interest, need and necessity and if it is based on proper math.**

Sincerely,

Hope Kallai

Peek-a-boo FREE Tricks & Treats for You! Get 'em!

testimony

From: Hope Kallai [lokahipath@hotmail.com]
Sent: Tuesday, October 23, 2007 7:39 PM
To: testimony
Cc: All Reps; All Senators
Subject: Kauai testimony Hawaii Superferry Committee on Energy and Environment

October 22, 2007

Hope Kallai
Malama Moloa`a
POB 655
Kilauea, HI 96754
lokahipath@hotmail.com

Re: Hawaii`i Superferry, Inc.
HEARING DATE: Wednesday, October 24, 2007
TIME: 10:30 a.m.

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair
testimony@capitol.hawaii.gov

Aloha Senators:

Mahalo for the opportunity to address the proposed bill concerning large capacity inter-island ferry vessel. I feel there is inadequate environmental information available to make any decisions on potential impacts of the Hawaii Superferry, Inc. (HSF) to endangered species of Hawaii`i and I am very concerned about the proposed bill. No matter what actions the state of Hawaii`i takes overturning Hawaii`i Revised Statutes 343, the Hawaii`i Environmental Policy Act (HEPA), the National Environmental Policy Act (NEPA) prevails and NEPA regulations must be adhered to.

Hawaii`i, the hotspot of extinctions, has more endangered species per square mile, than any other place on the planet, yet the state of Hawaii`i is proposing to overturn the regulations of the Hawaii`i Environmental Protection Act (HEPA), to allow fast-tracking of the proposed high speed inter-island ferry before beginning the EA/EIS process.

In Part IV, SECTION 12 (a), the department of transportation is authorized to establish a temporary Hawaii interisland ferry oversight task force to examine the environmental impacts of the ferry. Suggested makeup of the taskforce does not include any wildlife official (the BLNR member is not necessarily a wildlife appointee). Qualified state and federal wildlife endangered species agencies must be included, like the U.S. Fish and Wildlife Service, National Marine

10/24/2007

Fisheries, National Oceanic Atmospheric Administration, Pacific Marine Fisheries and Hawai`i Department of Land and Natural Resources endangered species specialists and the invasive species committees of each island. The temporary Hawaii inter-island ferry oversight task force shall meet monthly, commencing with December 31, 2007. With service attempted to begin late October, 2007, that would mean a 60 day gap in impact reporting or invasive species transfer. That is unacceptable. Where is the monitoring mandated? The temporary Hawaii inter-island ferry oversight task force is scheduled to "submit a final report of its findings and recommendations to legislature and governor no later than twenty days prior to the convening of the regular session of 2009". 2009!!!!. Entirely unacceptable.

EPA environmental impact statements (Sec. 1508.11) are to be included in every recommendation or report: On proposals (Sec. 1508.23); For legislation and (Sec. 1508.17). Other major Federal actions (Sec. 1508.1

No initiation of service can be made without National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) considerations, including Habitat Conservation Plans (HCP) and Incidental Take Procedures (ITP) for every potentially impacted endangered and threatened species; low income and cultural impacts; cumulative impacts; and project alternatives and potential impacts to critical habitat areas and environmentally sensitive areas.

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Section 102(2) of the NEPA contains "action-forcing" provisions that ensure that federal agencies act according to the letter and the spirit of the law prior to any impacting action. The HSF is a major federal project due the federal funding received by the HSF through the United States Department of Transportation Maritime Administration (MARAD) Title XI loan of \$139,731,000.00 to Hawaii Superferry, Inc., and NEPA must be considered in regards to all the endangered species of Hawai`i and it's waters. HSF received major Title XI funding through the United States Department of Transportation Maritime Administration (MARAD). MARAD had reservations about the lack of environmental scrutiny: On March 28, 2005 MARAD, in granting their Categorical Exclusion stated:

Based on the information available at that time, there appeared to have been very little, if any, NEPA or state environmental work performed related to the proposed ferry service that would be adequate for MARAD's responsibilities under NEPA. ...

But based their Categorical Exclusion on the Hawaii state Categorical Exemption issued by Hawaii Department of Transportation (HDOT), qualifying that:

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(e) The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decision maker.

(f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1).

I have many concerns about the lack of input by any federal wildlife agencies on the Hawaii Superferry project. There are many dozen federally listed endangered species with potential for significant impact by this inter-island, federally funded, ferry project. Potential impacts of invasive species transfer vary by island. There is a serious lack of NEPA compliance with regards to endangered species. There have been many environmental red flags raised on this project by various different agencies, yet the fast-tracking of the permit process has covered up those flags.

In *Hawaii Superferry: Commitments and Actions to Address Environmental Concerns*, prepared for Hawaii Superferry, Inc., February 2007 by CH2M Hill, there are no comments included by any wildlife agencies. It is stated that the DAR of DLNR was contacted in 2006, but no comments were specified. I'm not sure why Aquatic Resources, not Marine Resources, was contacted, but Kauai Aquatic Resources was not asked for input to potential impact to Huleia River (D. Heacock, pers.comm). Page 24 of *Hawaii Superferry: Commitments and Actions to Address Environmental Concerns*, includes:

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A system of monitoring and documentation of impacts and individual species takes must be designed by qualified wildlife officials, not HSF. Official agency observers must be present on each trip, not HSF employees. Monitoring of introduction of invasive species must be performed by qualified wildlife officials, not HSF employees.

I have concerns about the sustainability of the Hawaii Superferry project. The Superferry claims it is more environmentally friendly than air travel, but is burning an expected 5,600 gallons of diesel fuel per trip really sustainable?

Australia has just begun a really alternative ferry system of hybrid powered boats with solar panels (www.solarsailor.com) and a state-of-the-art 600 passenger solar and wind powered hybrid electric ferry named *Miss Statue of Liberty* in New York Harbor is being constructed in partnership with Australia's Solar Sailor Holdings Ltd. This ship is like a hybrid car; it determines the most efficient combination of energy sources for the moment: wind, solar, electric battery, or fossil fuels (diesel). It is designed to emit zero emissions at slow speeds. This ferry's maximum speed of 13 knots would be more whale friendly and not carrying cars would be more environmentally acceptable.

It seems the environmental system of checks and balances has repeatedly failed on the Hawai`i Superferry project. It is not time to continue these mistakes. There is inadequate environmental information to properly evaluate potential impacts of a high-speed inter-island ferry to each island and the waters of Hawai`i. There is no emergency dictating beginning of service. There is no reason to overturn existing environmental legislation to aid a company that has operated in blatant disregard of environmental policies.

If the Hawaii Superferry, Inc. is only a vendor of our ports, and if they are really threatening to take their boats elsewhere, maybe we could follow the Australian ferry example of truly alternative travel and really get a more appropriate ferry for Hawaiian waters.

- **Please enter into NEPA consult on all the endangered species of Hawai`i potentially impacted with this new mode of high speed travel, as mandated by law.**
- **Qualified federal and state agency endangered species and wildlife biologists must be included in the temporary Hawaii inter-island ferry oversight task force.**
- **Please mandate agency monitoring and more rapid reporting/response time. The governor cannot wait until 2009 to be informed of the status of impacts.**

Thank you very much for your time and consideration. These decisions you are making will affect many generations of our grandchildren and their quality of life in these islands.

Sincerely,

Hope Kallai

Boo! Scare away worms, viruses and so much more! Try Windows Live OneCare! [Try now!](#)

testimony

From: Lehua Kaulukukui [kananilehua@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 7:53 PM
To: testimony
Subject: Please Uphold Our Environmental Laws

Aloha Legislators

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws. This corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

Here are some of the reasons I feel so strongly about upholding Hawaii's current environmental laws:

- Hawai'i's EIS law should be upheld because it provides a crucial layer of protection for Hawai'i's irreplaceable natural and cultural beauty.
- The proposed legislation to exempt the Superferry from its obligations under the law is overbroad. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books. Proposed conditions on the operation of the Superferry fail to address to legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment.
- Public participation is essential to a well-functioning democracy! Hawai'i's EIS law provides a rare opportunity for public hearings. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.
- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which all businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly.
- Strong protection of public trust natural and cultural resources depend on upholding the law. Laws that are not upheld or enforced are shibai and useless!
- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete *environmental review* will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption now will not.

Lehua Kaulukukui
Kananilehua Productions, Inc.
68-1756 Puwalu St.
68-1756 Puwalu St. Waikoloa, HI 96738
Waikoloa, HI 96738

testimony

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68-1756 Puwalu St.
68-1756 Puwalu St. Waikoloa, HI 96738
Waikoloa, HI 96738

testimony

From: Fred Lindsey [fredlinds@earthlink.net]
Sent: Tuesday, October 23, 2007 8:23 PM
To: testimony
Subject: Superferry EIS Testimony

TESTIMONY OF ALFRED W. LINDSEY

Before the following committees of the Hawaii State Senate:

COMMITTEE ON JUDICIARY AND LABOR

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

COMMITTEE ON ENERGY AND ENVIRONMENT

Informational Hearing on the Superferry legislation in Kailua-Kona, 3pm, 10/23/07

Gentlemen:

Thank you for the opportunity to present testimony related to your upcoming deliberations on the future of the Superferry. I am Alfred W. Lindsey, resident of Kailua-Kona. Now retired, when employed, I was the Director of the Office of Environmental Engineering and Technology at the US Environmental Protection Agency in Washington, DC. My comments are solely my own.

The debacle we now face is due to failure at the State level and there seems to be enough blame to go around the government, including the courts who failed to act in a timely fashion on the need to do an environmental assessment and maybe an EIS. Apparently the company did what was required of it and obtained the requisite permits and permission. The legislature approved multimillions in loan guarantees as did the federal government at the urging of our Congressional delegation. The boat was duly built and now sits idle due to the lack of an EIS. Yes, truly a debacle - some will say only in Hawaii.

So, where are we.

An EIS or at least an Environmental Assessment must be done albeit belatedly. This leads to kind of a Hobson's choice either to keep the ferry in drydock for two or three years while the EIS process is fought out in Court (given the emotions surrounding this it will certainly be challenged in court when completed) or allow it to sail in the meantime. Both have drawbacks. What are these drawbacks??

Drydock the Superferry until the EIS is completed: this will provide the necessary information for a decision on technical and operational restrictions under which the ferry can operate. This of course is the ideal approach and had this been done before the boat was built and the permits granted, we wouldn't be here today. But, we are passed that now. If the boat is not allowed to sail it will make no money and will default on its loan payments with the spector of the State having to make good on its guarantees of what? 40 million dollars of taxpayer money? And likewise the fed guarantees of what? 120 million dollars? And, once permits are issued, permittees have a right to act on those permits. This raises the

10/24/2007

spector of the company suing the State for the millions of dollars in losses so far. Wonderful

Allow the Superferry to operate while the Environmental Assessment is done by the State: your bill will accomplish this and will likely solve the company's financial problems, thus avoiding the complete waste of hundreds of millions of taxpayer dollars. But, what about the environmental impacts of this interim sailing? Of course these impacts are what we hope to avoid by doing the Environmental Assessment - but can we wait? What about the **whales**? A legitimate concern I think. This boat is very fast making whale avoidance problematic. Forward scanning sonar would likely solve this problem but the boat doesn't have it. As far as I know, experience with even faster boats in Europe (notably the Canary Islands-technically I guess in Africa) and Asia don't have a whale problem - who knows, maybe they don't care. If we allow it to sail, I guess we will find out. I think the **invasive species** issue is miniscule beside the gross problems posed by the industrial type operations of the barges and even the cruise ships. That's how invasive species are spread - there are no controls and there needs to be. What about the increase in **traffic**? It is hard to imagine that a couple hundred vehicles a day will make much difference to our already completely overwhelmed road situation except perhaps very locally and for an hour or so of sailing. Anyway, ferries are used worldwide with acceptable infrastructure impacts. If road improvements are proved necessary - you need to ensure that they are provided. Then there are the complaints that all those people from Oahu will come over here and ruin the place. That is laughable - this is America and people have a right to mobility. Plus, I suspect there will be more people from here going to Honolulu than the other way around.

Yes, a Hobson's choice. So what should you decide? I think the benefits of letting her sail in the interim out weigh the possible but unknown and temporary environmental problems. You must however ensure that any impacts that arise are dealt with quickly and effectively. Also, according to TV polls, nearly 90% of Hawaii residents support the Superferry, regardless of the very vocal minority that has shown up at your meetings. Therefore, I urge you to pass your bill or something like it. This is your and the Administration's mess (with help from the courts) and you must fix it.

Alfred W. Lindsey

October 23, 2007

testimony

From: Bill Ernst [bill@kula.com]
Sent: Tuesday, October 23, 2007 10:54 PM
To: testimony
Subject: Follow Rule of Law: Require EA Before Operation of Hawaii Supperferry, Inc.

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM:

Bill Ernst

226 Kulalani Drive

Kula, HI 96790

Tel (808) 878-6633

Email bill@kula.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an

Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial on Maui.)

The proposed legislation is seriously flawed and basically guts our existing environmental legislation designed for situations like this. Oversight is great, but having Governor Lingle select a watchdog committee is like putting the fox in charge of the henhouse. She cannot be trusted with this job. In fact, she and the rest of her administration should be investigated fully to find out how we got ourselves into this situation in the first place.

All of this could have been avoided if the Superferry simply performed an environmental assessment early on in their process as requested over and over again by many parties, both governmental and private. What does Hawaii Superferry, Inc. have to hide? They took an arrogant stance and a calculated business risk and lost. If things had gone differently we could have all been happy, we could have our ferry and have a proper environmental study with appropriate mitigating measures in place prior to the start of its operation.

If you pass this bill, how will the state perform a meaningful EA without baselines determined before ferry operation, i.e. how will the company performing the EA traffic studies determine the traffic impact of the ferry if they can't study the traffic patterns BEFORE operation of the ferry? Their results will be meaningless.

If you rewrite the law to allow the Superferry to operate concurrently with an EA, what kind of precedent will you be setting? Where will you draw the line when other businesses come along with their special needs and requests. Are you going to write new laws for each of them? I understand that a lot of people want a ferry; that's fine but there should be no rush for ferry service. If it is a good business investment now, it should be just as good of a business investment after the EA is performed. If they have to leave, they will come back for the same reasons they wanted to come in the first place, to make money.

We all need to be patient at this critical juncture. Faith in our government and the rule of law is at stake here. If you, our elected representatives sworn to protect our laws and our environmental rights, ignore the rule of law, can I? What do we tell our children- if you don't like the decisions of our courts, just ask the legislature to rewrite the law for you?

If you put clauses in the bill to make the Superferry responsible for possible irreparable harm to our islands, good for you. But who is going to enforce them? How will anyone be able to prove that an infestation of fire ants on Maui is the result of the Superferry? Go ahead, take them to court, nothing will come of it. But irreparable is just that, PERMANENT!

How will the Suppferry's "whale avoidance policy", two guys with binoculars, work at night? ...in the rain and fog?
...in the 300 foot blind spot in front of the boat?

Who is going to make sure the inspections are done thoroughly, or done at all? I've heard at least two personal experiences from the first day of superffery operation that their vehicles were not inspected AT ALL. Are we to take the good word of the supperfery folks? I don't trust them and neither should you. They do not have a vested interest in protecting our islands, only to profit from them

If there was ever a case for the cart being put before the horse, this is it. Hawaii's existing environmental laws are good, and they are in place for a reason. Letting the supperferry sail without an EA by rewriting the laws is like driving a car with blinders on. Without knowing the real risks involved BEFORE THEY SAIL you are taking the biggest risk of all. All of our lives may be affected permanently by your actions on this matter; please do the right thing and make the supperferry follow the law just like every other start-up business. If you disappoint a few people now by making them wait for their ferry, they will forgive you, but if things turn out badly because you rushed through poorly conceived legislation future generations may not be so forgiving. And at that point no one will have a choice.

Thank you for listening...and for caring.

Aloha,

Bill Ernst

testimony

From: quan nguyen [quan_12010@yahoo.com]

Sent: Wednesday, October 24, 2007 12:32 AM

To: testimony

Senator Brian J. Kalani English, Chair

Senator Mike Gabbard, Vice Chair

Committee on Transportation and International Affairs

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

Committee on Energy and Environment

Tuesday, October 23, 2007

Opposing Superferry

For the last month, the Superferry issue has been the biggest discussion in Hawaii. I, as well as most of Hawaiian people, do not agree with the Superferry operation because it negatively affects Hawaii in many major ways.

First of all, the traffic would be horrible. Traffic congestion is already a problem now. What would happen if there are 280 more cars on the lines outside of ports?

Moreover, what about drug trafficking and associated stolen property easily hidden in the vehicles the Superferry will transport? Certain drugs cannot be detected simply, and with 30 seconds per vehicle, Hawaii would be given an easy and quick path for drugs and crime.

But most importantly, it is the environment of the beautiful Hawaii that we are worried about. During the whale migration season, the Superferry, traveling at high speed in open ocean, would easily hit whales and leave them to die. Evidently, from similar situation around the world, whales have gone deaf from the voracious water jet noise generated from the ferry engines. In addition, not only whales but other nearly-extinct-animals such as dolphins, sea turtles, or mongooses also suffer serious damages.

10/24/2007

In the efforts to help maintain Hawaii our heaven on earth, we urge the committees to stop the operation of Superferry. Thank you for hearing our voices.

Quan Nguyen

Send instant messages to your online friends <http://uk.messenger.yahoo.com>

testimony

From: Dick Mayer [dickmayer@earthlink.net]
Sent: Wednesday, October 24, 2007 1:23 AM
To: testimony
Subject: Vote "NO" on Proposed Superferry Bill

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Prof (Economics) Dick Mayer
1111 Lower Kimo Dr. Kula, Maui HI 96790
Tel 808-878-1874 Email dickmayer@earthlink.net

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair**

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project **BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)**

The whole basis of the proposed law is an assumption that is just NOT true.

**"the immediate operation of a qualifying ferry vessel
is in the public interest"**

Actually, it is that very "public interest" that is threatened by both the proposed ferry vessel and by this law.

Judge Cardoza listened to 22 days of testimony, with both the HDOT and the HSF able

to present their case, and he determined that there is the strong possibility of potential irreparable harm if the ferry were to operate before mitigation measures were in place.

It is YOUR obligation, senators, to protect us, the public, and the state's economy, and the state environment from that irreparable harm.

It is not even in the public interest to go into a special session to overturn the protections offered by HRS 343.

It is not in the public interest to hand over power to a governor and who has consistently shown reluctance to create or support the necessary safeguards.

It is not in the public interest to establish an oversight task force which is so stacked in favor of those protecting this so-called "qualifying ferry vessel".

It is not in the public interest to create an alternative environmental review process, that does not even require the "qualifying ferry vessel" to obey required mitigation measures which the EIS will suggest.

It is not in the public interest to deny all of the county governments any authority at all to regulate the "qualifying ferry vessel", or to mitigate the impacts of such a vessel.

HOWEVER, it IS in the public interest to recognize that the schedule of the ferry is very inconvenient, especially for farmers ; that its prices are high, even charging for a baby; that it is disruptive to traffic into our congested harbors and on our streets.

It is unwise, and perhaps illegal, to give a single company special privileges that allow it to operate, despite the determination of our judicial system that there is the potential for irreparable harm to be done.

Finally, it is not in the public interest go into a special session; and it is certainly not in the public interest to pass this law.

Mark D. Bernstein

Attorney at Law
A Professional Corporation

—————
(808) 537-3327

63 Merchant Street
Honolulu, Hawaii 96813

Fax: (808) 538-7049
E-mail: markdb@hawaii.rr.com

October 24, 2007

VIA EMAIL: testimony@capitol.hawaii.gov

Hawaii State Senate
Committees on the Judiciary and Labor,
Transportation and International Affairs, and
Energy and the Environment

Hearing Date: October 24, 2007
Time: 10:30 a.m.
Location: Auditorium, State Capitol

Re: Hawaii Superferry

To the Committees Considering Legislation Concerning Hawaii Superferry:

I strongly support the enactment of legislation that will permit the Hawaii Superferry to provide interisland ferry service between the islands of Oahu, Maui, Kauai, and Hawaii, using harbor facilities on each island, while an environmental assessment is being completed.

There are many reasons why I support the passage of this legislation. First of all, we, the people of the State of Hawaii, acting through our duly-elected representatives authorized the Superferry to conduct interisland ferry operations and, in support of those operations, contributed funds for infrastructure support to those operations. All of this was done with the knowledge that no environmental assessment would be required prior to the start of operations.

It is clear that, in the absence of this legislation, there will be no high speed ferry service between the islands. This is true even if the environmental assessment shows that the impact is benign in all respects. The elimination of the Superferry is the real goal of its opponents and the environmental concerns have been of a purely speculative nature. Moreover, no one has been able to articulate the existence of an environmental harm that would occur while an environmental assessment is being completed.

The opponents of the Superferry claim, without any rational basis, that Superferry operations will bring life, as we know it in Hawaii, to an end. According to the detractors, Superferry operations will cause the islands to become awash in Starbucks, Walmarts, Costcos,

To the Committees Considering Legislation Concerning Hawaii Superferry:

October 24, 2007

Page 2

Borders, and Home Depots. In addition, the whales will be killed, devastating invasive species will be spread amongst the islands, scenic and leisurely drives on the outer islands will be turned into traffic jams. In sum, opponents claim that it is the Superferry that is changing life in the islands, and for the worse. The silliness of the claim needs no reinforcement. It is utterly specious.

One must feel no small amount of sympathy for the Superferry, itself, as the protests have little, if anything, to do with the boat. In truth, on every single day of the week, people and goods are moved between the islands. Cars are barged over to Maui and Kauai, bringing with them the risk of the transfer of invasive species of plants and animals. Of course, the history of the islands is a history of invasive species which have turned these islands from barren, volcanic wastelands, to the verdant beauty we enjoy today. Simply put, one person's invasive species is another person's ginger lei, or plumeria tree. Neither is native, and both were brought to the islands without first seeking the permission of its residents. These islands are not poorer for the invasion.

I also think this legislation is important in order to confront those who believe that you can "fix" problems by attacking new technology. What happens to the Superferry is not going to change the fact that there are more cars on the roads of Kauai, Maui and Oahu, than those roads can handle. The elimination of the Superferry will not change the pressure to use land formerly used for agribusiness for housing. The death of the Superferry will not stop the migration of our local residents nor the immigration of those attracted to the glories of our island home. Dealing with these issues is of the utmost importance. Stopping the Superferry won't do a thing to deal with these issues.

In the final analysis, we cannot escape the fact that we are an island state. An island state needs the best and most technologically advanced inter-island transportation system that it can afford to have. Commerce, with its benefits and dangers, will move between the islands whether this legislation is passed or not. In the absence of evidence of a grave environmental danger, of which there is no such evidence, Hawaii ought to embrace advanced technologies for moving goods and people throughout the state. It makes sense. It is in the best interests of the people. Therefore, the legislature should convene a special session and should pass the proposed legislation.

Very truly yours,

Mark Bernstein

Mark D. Bernstein

MDB:ck

Testimony re Superferry.wpd

To the Committees Considering Legislation Concerning Hawaii Superferry:
October 24, 2007
Page 3

testimony

From: Lani Kawahara [alewalewa@yahoo.com]
Sent: Wednesday, October 24, 2007 12:35 AM
To: testimony
Cc: Sen. Gary Hooser; Rep. Hermina Morita
Subject: Superferry JDL/TIA/ENE Wed. Oct 24

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

I strongly oppose reconvening the legislature for a special session for the Superferry. I feel the Superferry has worked far too closely with the executive branch in trying to get around Hawaii law. No correction of the law is necessary. The Hawaii Supreme Court has ruled that the Superferry must do an Environmental Assessment prior to operations in our waters. Please do not begin a process that would circumvent the ruling of the high court, dismiss a carefully thought out law that has done a good job for years, and/or ignore legitimate concerns of communities on Maui and Kauai and the B.I.

If you are worried about litigation, please consider what one of the speakers on Kauai suggested. Given the questionable way the Superferry and the Governor worked around the EIS, please focus on an investigation. The results of the investigation may very well make litigation moot, if the Superferry conducted its lobbying in an illegal manner.

The one issue I would like to emphasize is this:

Everyone has their districts to represent. I would like the plead with you that this is much larger than your individual districts. This is about the environment and culture of the entire state and the unique qualities found on small, rural islands. Please do not rush into this ill-advised session.

Also, will any of your districts be impacted by the Superferry more than Kauai? The volume and quantity of support of the Superferry running while doing an EIS comes from Oahu. But Oahu will be impacted the LEAST by this new technology, this new mode of transportation. It is a drop in the

bucket for the almost 1 million people on Oahu. It is a huge enterprise with equally huge ramifications for the 60,000 residents of Kauai. Please, please, do not consider a special session - please place a proportionate importance on the concerns of the people standing to experience the largest impact - please do an EIS before allowing the Superferry to run.

Also consider this: What will happen if the Gov and legislature allow the SF to run? ...Then find there is a significant impact? "I imagine they will say, 'Well, we're already in business so we need to continue'"(Joan Kutzer, Kauai briefing)

(If you feel you must convene a special session on the Superferry bail out, please re-insert the 29 requests from the Sierra Club into the bill).

I've lived here all my life (except for when I went away to college), and the islands are worth much more than a hastily called session and an even more hastily put together bill. Do it right! Hasty decisions do nothing to help, and almost always lead to poor decisions. Once made, your rushed decision will produce results that cannot be undone.

Sincerely,

Lani T. Kawahara
P.O. Box 116
Koloa, Kauai, HI 96756
808-652-6741

testimony

From: Ane Takaha [bhaktirocks@sbcglobal.net]
Sent: Wednesday, October 24, 2007 5:43 AM
To: testimony
Subject: SB 1 transportation

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: Ane & Marc Takaha
My Address 4100 Union Street. Eureka, California, 95503
Tel: 707 443-9133 Email: bhaktirocks@sbcglobal.net**

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

Gentlemen:

My first response was, "Yes, a easier, cheaper way to get to the other islands!" That response was just about ME

10/24/2007

and my personal needs. The truth is we can no longer afford to think just about ourselves, money, or personal survival. We have to think globally and that includes the oceans and the creatures that live in them.

Our biggest jobs right now are to protect our planet and preserve peace.

The superferry does neither. It endangers our oceans, environment, and marine life, and reinforces the emotional and political split in our society by once again proving that the law is for those who can buy it.

Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Thank you for your time,
Ane & Marc Takaha
Eureka, Calif.
(moving to Maui in March)

testimony

From: Zett Amora [zettamora@sbcglobal.net]
Sent: Wednesday, October 24, 2007 7:24 AM
To: testimony
Subject: Superferry

**Relating to HB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Thursday, October 25, 2007 **TIME:** 9:00am
PLACE: Auditorium
Please distribute copies to the House members. Mahalo.

FROM: Zett Elyss Amora
pobox 2572, Kamuela HI 96743
Tel: 808-936-6888 **Email:** zett2@sbcglobal.net

**HOUSE OF REPRESENTATIVES
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007
COMMITTEE ON TRANSPORTATION
Rep. Joseph M. Souki, Chair
Rep. Scott Y. Nishimoto, Vice Chair
COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair**

Aloha:

As a resident of the beautiful state of Hawai'i I am quite concerned with how the HSF business has been handled by Governor Lingle and others who, like her, are clearly placing commerce and money above the well being of our natural environment. It is apparent by the actions of Gov. Lingle and her associates that their priorities do not align with my own and those of many, many people of these islands. There are many of us here who recognize the urgency of keeping our waters, sea creatures, and coral beds in good health. Hawai'i, it has been noted, has some of the healthiest coral beds on earth yet we are mere inches away from allowing the same type of great harm to come upon our shores just as it has to the majority of the planet. The operation of the HSF before an EIS is sheer lunacy and potential suicide for the health and well being of the natural resources in the state.

The strict environmental laws of Hawai'i are known throughout the world and has resulted in our ability to maintain clean and clear waters and sea life. Hawai'i's economy

is based heavily, if not entirely, upon the availability of ocean activities. With this in mind it makes sense both economically and morally to do everything possible to preserve and protect our waters.

The current law is specific and clear. To allow the HSF to operate without an EIS is an obvious law breaking event. In spite of this, Gov. Lingle is pushing to bring the HSF business here in deliberate violation of the law. I am writing today to urge our representatives to abide by the Hawai'i written law and to use common sense when considering the obvious risks of this HSF.

NO EIS MEANS NO SUPERFERRY !!!!! THE LAW IS CLEARLY STATED !!!!!

Mahalo for your time and attention to this urgent matter.

Best Regards,

Zett Elyss Amora
POBox 2572
Kamuela, HI 96743
808-936-6888

testimony

From: Cathy [tradewindsla@hawaiiantel.net]
Sent: Wednesday, October 24, 2007 7:37 AM
To: testimony
Subject: Superferry testimony

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Cathy Granholm
3617 Keoniana Rd., Princeville, HI 96722
Tel 827=8023 **Email:** tradewindsla@hawaiiantel.net

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

I am one of the many residents of Kaua'i who testified at the meeting on our island on Sunday, October 21. I believe that the Superferry should never have been allowed to circumvent the laws protecting our environment. The Supreme Court has ruled that this was an error, and we do not want our representatives to overturn our environmental protections to help a private company. Governor

10/24/2007

Lingle has refused to hear our concerns and we do not trust her to protect our islands from threats like invasive species, theft of our resources and whale strikes caused by a ship traveling three times as fast as cruise ships. We also do not trust the Superferry representatives like attorney Lisa Munger, who said that the people from Oahu who filled their trucks with rocks on Maui were allowed to take any of Maui's resources, since they belong to residents and visitors. Perhaps the Superferry could be used to carry residents and visitors on Oahu around that island. We welcome visitors to our island but we do not want the Superferry here.

testimony

From: Irene Bowie [huladog1@earthlink.net]
Sent: Wednesday, October 24, 2007 7:44 AM
To: testimony
Subject: submitted testimony regarding Superferry for Wed., Oct. 24
Attachments: SF testimony.doc

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Fax: 1.800.586.6659

Concerning: Hawaii Superferry
Reference: Wednesday, October 24, 2007 10:30am session

As Executive Director of Maui Tomorrow I strongly oppose the operation of Hawaii Superferry while it undergoes an Environmental Review. To allow Superferry to operate during this process clearly violates unambiguous Hawaii law.

I urge the Legislature not to pass this unconstitutional special legislation for one single business. If legislation is passed and Superferry is allowed to begin service, I feel compelled to ask for conditions to limit the speed at which this vessel travels through Hawaiian waters, due to the high risk to humpback whales, a federally protected endangered species.

This fast ferry is unlike any other in Hawaiian waters; traveling at speeds of over 35knots. The US Coast Guard classifies "high speed" vessels as any traveling over 32knots; most vessels in Hawaii, including cruise ships, barges, and tankers, travel at maximum speeds of 20knots with average speeds much slower than that.

As stated in 11 days of testimony by recognized whale experts before Judge Cardoza, Superferry's plan of reduce speeds of 25knots when traveling through Sanctuary waters is clearly not slow enough.

Extensive research shows that at 18knots whales strikes result in the animal's death. NOAA recommends speeds of no more than 13knots when traveling through humpback whale breeding areas.

Hawaii Superferry's proposed speed is unacceptable and should be limited to 13 knots when traveling through a national preserve for an endangered species; please include this same 13 knot limitation to the first 10 miles of exits and entrances to Honolulu, Kahului, Kawaihae, and Nawiliwili harbors.

The Supreme Court stated in its unanimous decision, "The Superferry presents particular risks that are not borne by the existing methods of transportation." Please don't abandon the protection of the environment to the same administration that has been dedicated, for many years, to minimizing legitimate concerns about the Superferry project. Consider these risks and their consequences as you decide the fate of Hawaii Superferry and this state's environmental future. Please add meaningful conditions to this bill.

Thank you.

Irene Bowie/Maui Tomorrow Foundation, Inc.

PO Box 299, Makawao, HI 96768

808.268.0303

Submitted 10/23/07

Irene Bowie
Executive Director
Maui Tomorrow Foundation, Inc.
P.O. Box 299, Makawao, HI 96768
Phone: 808-268-0303

testimony

From: Shannon Wianecki [shannon.wianecki@gmail.com]

Sent: Wednesday, October 24, 2007 7:35 AM

To: testimony

Subject: Testimony for SB 1 Relating to Transportation

Relating to SB 1 Relating to Transportation

Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM:

Shannon Wianecki

PO BOX 790666 Paia, HI 96779

shannon.wianecki@gmail.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

10/24/2007

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

MY POSITION:

Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project **BEFORE** allowing the Superferry to operate.

If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial).

I worked in the field of invasive species for several years. It's grueling work—yanking out razor sharp pampas grass and scouring hot landscapes for seedlings, fire ants, or contraband animals. These efforts feel futile when confronted with the lack of biosecurity measures taken at our harbors and airports.

Aggressive new invasive species waltz undetected into our islands on a daily basis, threatening our economy, health, and way of life. We have nearly lost our wili wili forests to the gall wasp; now mountain apples are dying because of ohia rust. The varroa mite threatens to extinguish the honey industry. Miconia costs millions to contain. At present, Hawaii's natural resource managers can barely hold back the tide. Adding fast-ferry transit is akin to opening the floodgates. We will lose the small gains we currently have.

Invasive species can be stopped with proper preventive measures in place.

It is irresponsible of you allow this new fast-ferry service without first attending to infrastructure. It is not Hawaii Superferry's responsibility to build roads and inspection facilities, hire enforcement officers, and devise protection for our natural resources. **It is our county and state government's job.** These necessary measures need to be in place before fast-ferry service begins. Otherwise, we are sabotaging the work of many, diverse and dedicated natural resource managers. Worse, we are neglecting to safeguard the very things that make Hawaii a paradise.

testimony

From: Mary Lu Kelley [mkelley@lava.net]
Sent: Wednesday, October 24, 2007 7:16 AM
To: testimony
Subject: Testimony: Relating to SB 1 Relating to Transportation

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: Mary Lu Kelley
P. O. Box 670
Kalaheo, HI 96741
mkelley@lava.net
808-332-7874**

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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
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COMMITTEE ON ENERGY AND ENVIRONMENT

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

MY POSITION:

Please honor the Court's decision to require an Environmental Review of the HDOT Harbor

project **BEFORE** allowing the Superferry to operate. **If** you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Two court cases have decreed that existing law be upheld!! Please, I beseech you...

Don't change the law, don't make this exception. Let the current law – (and the rulings which support it) - stand.

Mahalo.

testimony

From: Hope Kallai [lokahipath@hotmail.com]

Sent: Tuesday, October 23, 2007 7:44 PM

To: testimony

Subject: Kauai testimony Hawaii Superferry Committee on Transportation and Internal Affairs

October 22, 2007

Hope Kallai
Malama Moloa`a
POB 655
Kilauea, HI 96754
lokahipath@hotmail.com

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair
testimony@capitol.hawaii.gov

Aloha Senators:

Mahalo for the opportunity to address you in regards to the Hawaii High Speed Ferry, Inc. I would like you to consider if this ferry is really in the public interest.

In the Public Utilities Commission Permit Decision and Order No. 21524 found in *Hawaii Superferry: Commitments and Actions to Address Environmental Concerns*, prepared for Hawaii Superferry, Inc., February 2007 by CH2M Hill, it is stated that the

Applicant expects its ferry service to cost about fifty (50)
per cent of the price of flying.

Proposed one way rates of \$60 per person for a Kauai-Oahu are not 50% of existing airfares. Competitive airfares are often much less than \$60. Is the PUC permit dependent upon correct percentage of airfares?

I have problem with a fee structure designed for 14 day old babies. Is it really in the public interest to charge children from 14 days old to 2 years old \$15 for a one way Kauai-Oahu trip? PUC fee of this fare is only \$0.04, GET fees of \$0.60 harbor fees of 0.30, making the HSF fare \$ 14.06. I don't remember being charged any airfare for a child under 2.

The Consumer Advocate had concerns over the results of a market study by Market Scope, Inc., which was commissioned by Applicant (the "Market Study"), and which results were designated confidential pursuant to Protective Order No. 21190,

§ 271G-17(b) provides, in relevant part, that any rate
change shall not be made until forty-five (45) days after a water
carrier files a notice of rate change with the commission.

In the PUC Permit Decision and Order No. 21524:

The commission recognizes that issues were raised by
some at the public hearings about the impact of the proposed

10/24/2007

ferry system on the environment and suggesting that an environmental assessment be done on the proposed ferry services...

We find it necessary, however, to condition our authorization in this docket upon Applicant's showing, to the satisfaction of the commission, that Applicant has complied with all applicable federal and state laws, rules and regulations, including, without limitation, matters relating to the Environmental Impact Statement Law ("EIS"), under Chapter 343, HRS, to the extent applicable to ensure that all such requirements are appropriately addressed....

Applicant shall provide evidence that it is in full compliance with all applicable EIS, NOAA, and the U.S. Coast Guard laws, rules, regulations and requirements, and any and all other applicable federal and state laws, rules and regulations and requirements that are necessary to operate its proposed ferry service within the State;

DONE at Honolulu, Hawaii December 30, 2004
PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Applicant (Hawaii Superferry, Inc.) is not in full compliance with NEPA regulations. Is the PUC Decision dependent upon the Applicant being in full compliance with all federal laws, like NEPA?

No initiation of service can be made without National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) considerations, including Habitat Conservation Plans (HCP) and Incidental Take Procedures (ITP) for every potentially impacted endangered and threatened species; low income and cultural impacts; cumulative impacts; and project alternatives and potential impacts to critical habitat areas and environmentally sensitive areas.

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

Section 102(2) of the NEPA contains "action-forcing" provisions that ensure that federal agencies act according to the letter and the spirit of the law prior to any impacting action. The HSF is a major federal project due the federal funding received by the HSF through the United States Department of Transportation Maritime Administration (MARAD) Title XI loan of \$139,731,000.00 to Hawaii Superferry, Inc., and NEPA must be considered in regards to all the endangered species of Hawai'i and its waters. HSF received major Title XI funding through the United States Department of Transportation Maritime Administration (MARAD). MARAD had reservations about the lack of environmental scrutiny: On March 28, 2005 MARAD, in granting their Categorical Exclusion stated:

Based on the information available at that time, there appeared to have been very little, if any, NEPA or state environmental work performed related to the proposed ferry service that would be adequate for MARAD's responsibilities under NEPA.

But based their Categorical Exclusion on the Hawaii state Categorical Exemption issued by Hawaii Department of Transportation (HDOT), qualifying that:

MAR-820 recommends that the loan guarantee contract contain the requirement that Hawaiian High Speed Ferry (HSF) Corporation comply with all applicable environmental laws and regulations.

Serious consideration needs to be given to the validity of the MARAD Categorical Exclusion that was based

on the Hawaii State Department of Transportation Categorical Exemption, since the ruling No. 27407 of the Hawaii Supreme Court on August 31, 2007, invalidates the state DOT Categorical Exemption. Wouldn't the MARAD Categorical Exclusion be invalidated also?

The Hawaii Superferry, Inc. has acted in it's own private economic interests, not in the public interest. It is not clear that it is in the public interest to allow immediate operation of the HSF.

In SECTION 3 (4) it is stated that "operation of large capacity ferry vessels is declared to be a required public convenience and necessity". It is not a required public convenience and necessity. Hawai`i has never had a large capacity ferry. It cannot be a required public necessity, never having been in existence before.

SECTION 3 (6) states that "construction, use or operation of any facilities...shall not be subject to or require any county permits or approvals." Why is construction being allowed without following county building codes and permit processes?

SECTION 4. (a) As a condition precedent to the rights conferred by section 3 of this Act, the governor shall impose, by means of an executive order, and without regard to Chapter 91, Hawaii Revised Statutes, or any other provision of law, conditions and protocols on a large capacity ferry vessel company's inter-island operations to mitigate significant environmental effects that the governor determines, in the governor's best interest. Downright scary. Nothing the governor does can absolve her or the state of NEPA requirements and obligations.

The HSF has daily trips planned between Oahu and Kauai, with a second daily trip expected being added. Cruise ships are making daily calls at Nawiliwili Harbor, sometimes two at a time. Kaua`i is dependent upon shipments of gasoline, propane, aviation and helicopter fuels and many other bulk containers, come inflammable and hazardous. If a large vessel of propane or gasoline cannot be in port at the same time as a large passenger vessel, when can Kauai get bulk deliveries of fuels? Have we created an exclusive economic zone of our harbors?

In Part IV, SECTION 12 (a), the department of transportation is authorized to establish a temporary Hawaii inter-island ferry oversight task force. Suggested makeup of the taskforce does not include any wildlife official (the BLNR member is not necessarily a wildlife appointee). Qualified state and federal wildlife endangered species agencies must be included, like the U.S. Fish and Wildlife Service, National Marine Fisheries, National Oceanic Atmospheric Administration, Pacific Marine Fisheries and Hawai`i Department of Land and Natural Resources endangered species specialists and the invasive species committees of each island. The temporary Hawaii inter-island ferry oversight task force shall meet monthly, commencing with December 31, 2007. With service attempted to begin late October, 2007, that would mean a 60 day gap in impact reporting or invasive species transfer. That is unacceptable. Where is the monitoring mandated? The temporary Hawaii inter-island ferry oversight task force is scheduled to "submit a final report of its findings and recommendations to legislature and governor no later than twenty days prior to the convening of the regular session of 2009". 2009!!!!. Entirely unacceptable.

I have concerns about the sustainability of the Hawaii Superferry project. The Superferry claims it is more environmentally friendly than air travel, but is burning an expected 5,600 gallons of diesel fuel per trip really sustainable? The Superferry gets only 0.02 miles per gallon, so, even with 800 passengers that is still only 16 passenger-miles per gallon or at the average projected 400 passengers per trip 8 passenger miles per gallon. Hawaiian Airlines flies 115 people on its Boeing 717s. They operate with a fuel efficiency

of .44 mile per gallon. That comes to 50 passenger miles per gallon, or three times the people moving efficiency of a full Superferry, 6 times the people moving efficiency of an average-full Superferry.

<!--[if !supportLineBreakNewLine]-->

<!--[endif]-->

Australia has just begun a really alternative ferry system of hybrid powered boats with solar panels (www.solarsailor.com) and a state-of-the-art 600 passenger solar and wind powered hybrid electric ferry named *Miss Statue of Liberty* in New York Harbor is being constructed in partnership with Australia's Solar Sailor Holdings Ltd. This ship is like a hybrid car; it determines the most efficient combination of energy sources for the moment: wind, solar, electric battery, or fossil fuels (diesel). It is designed to emit zero emissions at slow speeds. This ferry's maximum speed of 13 knots would be more whale friendly and not carrying cars would be more environmentally acceptable.

- **Please enter into NEPA consult on all the endangered species of Hawai`i potentially impacted with this new mode of high speed travel, as mandated by law.**

- **Qualified federal and state agency endangered species and wildlife biologists must be included in the temporary Hawaii inter-island ferry oversight task force.**

- **Please mandate agency monitoring and more rapid reporting/response time. The governor cannot wait until 2009 to be informed of the status of impacts.**

- **Please investigate the status of the MARAD Categorical Exclusion since the revocation of the Hawai`i DOT Categorical Exemption.**

- **Please reevaluate the Public Utilities Commission Permit Decision and Order No. 21524 and reconsider if the Hawai`i Superferry, Inc. is truly in the public interest, need and necessity and if it is based on proper math.**

- **Please reconsider a fee structure charging 14 day old babies.**

Thank you very much for your time and consideration.

Sincerely,

Hope Kallai

Windows Live Hotmail and Microsoft Office Outlook – together at last. [Get it now!](#)

10/24/2007

testimony

From: Hope Kallai [lokahipath@hotmail.com]
Sent: Tuesday, October 23, 2007 7:40 PM
To: testimony
Subject: FW: Superferry needs to comply with NEPA - resent without attachments

From: lokahipath@hotmail.com
To: access1@capitol.hawaii.gov
Subject: FW: Superferry needs to comply with NEPA - resent without attachments
Date: Tue, 23 Oct 2007 07:39:39 -1000

From: lokahipath@hotmail.com
To: testimony@capitol.hawaii.gov
Subject: Superferry needs to comply with NEPA
Date: Mon, 22 Oct 2007 12:36:30 -1000

October17, 2007

HopeKallai
MalamaMoloa`a
lokahipath@hotmail.com

Re: Hawai`i High Speed Ferry, Inc.
NEPA Requirements

GovernorLinda Lingle
governor.lingle@hawaii.gov

AlohaGovernor Lingle:

Iam a member of an ahupua`a based group, Malama Moloa`a on Kauai. I am also a farmer, a grandmother, and was onthe first ship out of the state of Hawai`iafter statehood. My thrice-great grandfather jumped ship in

Honolulu was a Kingdom of Hawai`i national during the time of the Great Mahele. I also had had the honor to be raised on the island of Midway in the 1950's, as the daughter of a Navy pilot. My best friends and playmates were some of the endemic species and seabirds listed below. I feel I must speak for the endangered species who have not been previously considered by the Hawaii High Speed ferry project.

There is inadequate environmental information concerning mitigation to potential impacts by the proposed new high speed mode of roll-on, roll-off (RORO) inter-island transportation proposed by Hawaii High Speed Ferry, Inc., aka the Hawaii Superferry (HSF) to Hawai`i state- and federally-listed Endangered Species. Potential state-wide impacts, outside the harbor infrastructures, are significant, vary by island and must be considered individually and cumulatively.

Endangered Species of Hawai`i are offered protection under the National Environmental Policy (NEPA) act as well as the Hawai`i Environmental Policy Act (HEPA). No initiation of service can be made without National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) considerations, including Habitat Conservation Plans (HCP) and Incidental Take Procedures (ITP) for every potentially impacted endangered species; low income and cultural impacts; cumulative impacts; and project alternatives and potential impacts to critical habitat areas and environmentally sensitive areas.

Section 102(2) of the NEPA contains 'action-forcing' provisions that ensure that federal agencies act according to the letter and the spirit of the law prior to any impacting action. The HSF is a major federal project due the federal

funding received by the HSF through the United States Department of Transportation Maritime Administration (MARAD) Title XI loan of \$139,731,000.00 to Hawaii Superferry, Inc., Austal USA LLC, for 2 105-Meter High-Speed passenger RORO vehicle ferries, secured January 21, 2005. Total project cost is expected to be \$178,003,065.00.

In the Report entitled 'Hawaii Superferry - Commitments and Actions to Address Environmental Concerns', prepared for Hawaii Superferry, Inc. by CH2M Hill February 2007, there are no comments by the State of Hawaii, Department of Land and Natural Resources to potential impacts to threatened and endangered species of Hawaii or the inter-island spread of invasive species, like mongoose, coqui frogs and fire ants. There is no list of potentially impacted endangered species, either by state or by island, and no consideration of mitigations.

Where are the responses of state and federal wildlife agencies to the statewide potential impact of the Hawaii High Speed Ferry? We cannot seem to find them anywhere.

Where is the provision for on-going monitoring of the wildlife impacts of the HSF?

We have also not been able to find a response by the United States Fish and Wildlife Service, Endangered Species Division, Marine Mammal Division or the Migratory Bird Branch in regards to potential impacts by the HSF to federally-listed threatened and Endangered Species, marine mammals and migratory birds found in Hawaii.

We are requesting immediate, formal participation

by federal environmental agencies considering potential impacts by the Hawaii High Speed Ferry to federally listed threatened and endangered species and its potential to spread invasive species throughout the state of Hawai'i, causing further extirpation and extinction of protected species. Mitigation of impacts may include simple measures such as light shielding, and route timings, but need to be made by qualified wildlife agencies, not the HSF company or the legislature, before initiation of any impacting actions, as is the intent of NEPA.

NEPA consideration of potential impacts to threatened and endangered Hawaiian species must include: `Alae `ula, Hawaiian moorhen, (*Gallinula chloropus sanvicensis*); `Alae ke `oke `o, Hawaiian coot, (*Fulica alai*); `Ae `o, Hawaiian stilt, (*Himantopus mexicanus knudseni*); Koloa maoli, Hawaiian duck, (*Anas wyvilliana*); Nene, Hawaiian goose, (*Branta sandvicensis*); `Ua `u, Dark rumped petrel, (*Pterodroma phaeopygia sandwichensis*); `A `o, Newell's shearwater, (*Puffinus auricularis newellii*); `alala, Hawaiian Crow, (*Corvus hawaiiensis*); Band-rumped storm petrel, (*Oceanodroma castro*); Manu o ku, White tern, (*Gygis alba rothschildi*); `io, Hawaiian hawk, (*Buteo solitarius*); Short-tailed albatross, (*Phoebastria albatrus*); `akohekohe, Crested Honeycreeper, (*Palmeria dolei*); Nihoa Millerbird, (*Acrocephalus familiaris kingi*); Kauai Nukupu `u, Kauai nukupu `u, (*Hemignathus lucidus hanapepe*); Maui Nukupu `u, Maui nukupu `u, (*Hemignathus lucidus affinis*); `O `o `a `a, Kauai `O `o, (*Mohobraccatus*); `O `u `o `u (*Psittirostra psittacea*); Palila, palila, (*Loxioides bailleui*); Maui Parrotbill, (*Pseudonestor xanthophrys*); Po `ouli, po `ouli, (*Melamprosops phaeosoma*); oloma `o, Molokai Thrush, (*Myadestes lanaiensis rutha*); kama `o, large Kauai Thrush, (*Myadestes myadestinus*), puaiohi, small Kauai Thrush, (*Myadestes palmeri*); ilio holo i ka uaua,

Hawaiian monk seal, (*Monachus schauinslandi*); koholā, Humpback whale, (*Megaptera novaeangliae*); Sperm whale, (*Physeter macrocephalus*); Blue whale, (*Balaenoptera musculus*); Fin whale, (*Balaenoptera physalus*); Sei whale, (*Balaenoptera borealis*); North Pacific right whale, (*Eubalaena japonica*); Oliver ridley turtle, (*Lepidochelys olivacea*); Leatherback turtle, (*Dermochelys coriacea*); Loggerhead turtle, (*Caretta caretta*); Honu `ea, Hawksbill turtle, (*Eretmochelys imbricate*); Honu, Green sea turtle, (*Chelonia mydas*); and the `Ope`ape`a, Hawaiian Hoary bat, (*Lasiurus cinereus semotus*);

The following birds are offered protection under the Migratory Bird Treaty Act: Eurasian Skylark, (*Alauda arvensis*); House Finch, (*Carpodacus mexicanus*); Northern Cardinal, (*Cardinalis cardinalis*); Kolea, Pacific Golden Plover, (*Pluvialis fulva*); Band-rumped Storm-Petrel, (*Oceanodroma castro*); White-tailed Tropicbird, (*Phaethon lepturus*); Wandering Tattler, (*Heteroscelus incanus*); Bristle-thighed Curlew, (*Numenius tahitiensis*); Pueo, Hawaiian Short-eared Owl, (*Asio flammeus sandwichensis*).

The Hawaiian archipelago is home to 22 species of breeding seabirds, three of which are endemic to the islands. Presently 75% of known Hawaiian seabirds are extinct or threatened with extinction and listed on the Federal Endangered Species List (USFWS 1985). Island seabird populations have been declining worldwide. Seabirds within the Hawaiian archipelago are vital to a well-balanced marine ecosystem. The following sea birds are found in Hawaiian waters: Moli, Laysan albatross, (*Phoebastria immutabilis*); Black footed albatross, (*Phoebastria nigripes*); `A, Brown booby, (*Sula leucogaster*);

'A, Masked booby, (*Suladactylatra*); 'A or Mahi, Red-footed booby, (*Sula sula*), 'Iwa, Great frigate, (*Fregata minor*); Black noddy, (*Anous stolidus pileatus*); Noio koha, Brown noddy, (*Anous minutus*); Blue noddy, (*Procelsternacerulean*); 'Ou, Bulwer's petrel,, (*Bulweria bulwerii*); Bonin petrel, (*Pterodroma hypoleuca*); Christmas shearwater, (*Puffinus nativitatis*); 'Ua 'u kani, Wedge-tailed shearwater, (*Puffinus pacificus*), 'Ewa 'ewa, Sootytern, (*Sterna fuscata*); Koa e 'ula, Red-tailed Tropic Bird, (*Phaethon rubricauda*); Koa e ke 'o, Whitetailed Tropicbird, (*Phaethon lepturusdorotheae*) and must be considered.

Potential impacts to federally-listed threatened and endangered plant and algae species by introduction of invasive species of plants and animals is monumental and must be considered on a island basis due to the unique biological diversity of each island and cumulatively to the entire state. We have not been able to find any mitigation considerations for endangered plant species or the transfer of invasive weed seeds and invasive algae.

Preparation for inter-island ferry service was begun in FY 1996. Different types of vendors were being considered as late as 2001. In the Report to the Twenty-Second Legislature of the State of Hawaii Regular Session 2002, Senate Concurrent Resolution SCR 20, SUBJECT: REPORT ON THE STATUS OF THE STUDY ON THE FEASIBILITY OF AN INTER-ISLAND FERRY SYSTEM FOR HAWAI'I, the State of Hawaii Department (HDOT) advised the legislature that the state was considering passenger as well as roll on/roll off (RORO) passenger vehicle, truck and bus service and with freight loaded on the vehicles. The inter-island ferry service was being approached as a business arrangement with the operator, where the HDOT would

provide the facilities required and the operator(s) would be a lessee, responsible for the ferry vessel, its funding, maintenance and operation.

The HDOT began recommending environmental permitting requirements as early as 2002 with the HSF:

In working with these inter-island ferry proponents, HDOT has also advised them of the regulatory requirements for such operations, including the permits and approvals for the use and lease of port facilities, and the requirements that need to be met in the areas of environment, safety, utility (PUC), security, ADA, etc.

HSF received major Title XI funding through the United States Department of Transportation Maritime Administration (MARAD). MARAD had reservations about the lack of environmental scrutiny: On March 28, 2005 MARAD, in granting their Categorical Exclusion stated:

Based on the information available at that time, there appeared to have been very little, if any, NEPA or state environmental work performed related to the proposed ferry service that would be adequate for MARAD's responsibilities under NEPA. ..

But based their Categorical Exclusion on the Hawaii state Categorical Exemption issued by Hawaii Department of Transportation (HDOT), qualifying that:

MAR-820 recommends that the loan guarantee contract contain the requirement that Hawaiian High Speed Ferry (HSF) Corporation comply with all applicable environmental laws and regulations.

Serious consideration needs to be given to the validity of the MARAD Categorical Exclusion that was based on the

Hawaii State Department of Transportation Categorical Exemption, since the ruling No. 27407 of the Hawaii Supreme Court on August 31, 2007, invalidates the state Categorical Exemption.

It is time for the Hawaii Public Utility Commission (PUC) to reconsider their deferral of environmental review. The HSF has not shown that it

'has complied with all state and federal laws, rules and regulations'.

No NEPA considerations have been made, as required by law. The 'Certificate of Public Convenience and Necessity' based on PUC deferral of environmental review must be revoked as soon as possible, pending adequate environmental review by authorized wildlife agencies.

The Hawaii High Speed Ferry, Inc. has operated as an errant vendor of our ports, and has not followed recommended environmental procedures. Improvements to our port facilities are not wasted can perhaps be better used by a vendor that would be environmentally more respectful of state and federal laws and not cause so much trouble and litigation encumbrances. Perhaps an inter-island passenger ferry system would be a more environmentally sensitive start. If the speed of the proposed HSF and the invasive species transfer by vehicle transport are the most critical issues, has any compromise been considered by HSF? Is this the kind of privatization of our port services that we, as a state, really need? Do we really need a Super-fast, Super Ferry?

Many companies operate with consideration to HEPA and NEPA; those that do not should not be offered special consideration. The Hawaii High Speed Ferry, Inc. cannot be

allowed to begin operation without NEPA considerations. HEPA must not be overturned or compromised. The State of Hawai'i cannot risk federal enforcement of NEPA. Please follow the letter and intent of HEPA and NEPA and protect the endangered species of Hawai'i.

Thank you for your time considering the Endangered Species of Hawai'i. Mahalo for considering Environmental Justice in regards to HEPA.

Sincerely,

Hope Kallai
Malama Moloa`a

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testimony

From: silverslev@cox.net
Sent: Tuesday, October 23, 2007 6:22 PM
To: testimony
Subject: PLEASE REQUIRE AN EIS BEFORE THE SUPERFERRY IS ALLOWED TO SAIL!

Relating to SB 1 Relating to Transportation

Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Andrea Slevin
PO Box 223875
Princeville, HI 96722
Phone: 808-826-1718
E-mail: andrea2@gardenjewels.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 2007

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

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Senator Mike Gabbard, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

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UNIVERSITY OF HAWAII AT MANOA
Environmental Center

A UNIT OF THE WATER RESOURCES RESEARCH CENTER

RL:2148

SB
RELATING TO TRANSPORTATION

Senate Committee on Judiciary and Labor
Senate Committee on Transportation and International Affairs
Senate Committee on Energy and the Environment

Public Hearing – October 24, 2007
10:30 a.m., State Capitol Auditorium

By
Peter Rappa, Environmental Center
John Harrison, Environmental Center
Kem Lowry, Urban and Regional Planning

SB requires the Department of Transportation to perform an environmental impact statement (EIS) for certain improvements made to commercial harbors, permits the operation of a large capacity ferry vessel prior to completion of an EIS upon meeting certain minimum conditions and establishes a temporary Hawaii Inter-island Ferry Oversight Task Force. Our statement on this measure does not represent an institutional position of the University of Hawaii.

As part of the State's government infrastructure for environmental quality management established in 1970, the Environmental Center was instrumental in creating the State's EIS law. On two occasions since the EIS Law's initial enactment in 1973, the Center has conducted detailed analyses of the theory and practice of its implementation, with specific attention to problems and proposed improvements to the law. Hence, we speak with recognized authority on matters such as proposed in this measure.

The purpose of this bill is to allow the Hawaii SuperFerry to operate while an environmental assessment and possibly an environmental impact statement are prepared. Completion of the state environmental review process is normally required prior to receiving a permit to operate, commence or construct a proposed action. The state's environmental review process under Chapter 343 HRS with all its flaws has operated well to identify potentially harmful environmental impact while finding ways to mitigate them for this type of project. The decision to allow the ferry to operate while an environmental review is still in the initial stages is political. Lacking the benefit of examining the potential for harm to be caused to our islands

fragile natural resources and to our social and cultural resources, there is little objective basis to allow the ferry to proceed. Following the precautionary principle, it would be better to conduct an assessment of the potential for significant impacts prior to allowing the ferry to proceed.

The bill should address the issue of operation without altering the nature of the state EIS process. We believe that passage in its present form will lead to proponents of major projects seeking legislative relief from parts of Chapter 343. We object to this *ad hoc* approach in the application of planning tools meant to protect Hawaii's fragile environment.

We take issues with the findings listed on page 3 lines 7-14, that the operation of a large capacity ferry vessel is clearly in the public interest and should commence as soon as possible. It is hard to determine what is in the best interest of the public in this case. Expanding transportation choices, moving goods and people between islands and having another means to respond to disasters may be in the public interest, but injuring marine mammals and sea turtles and potentially spreading invasive species from one island to the next may not be in the public interest. We believe that after all the pros and cons are weighed in the environmental review, we will have a better notion of what is in the best interest of the public.

We disagree with Section 5, page 14, of this bill that would exempt the SuperFerry from Chapter 343 in favor of an abridged environmental review process that applies to this project alone. This bill spells out the applicable environmental review process in Section 7 through 12 on pages 15-40. The requirements set forth in this bill are the same or similar to those set out in Chapter 343 and the Hawaii Administrative Rules Chapter 11-200. Why bother to design a duplicate system to conduct an environmental review? There is already a well established process in place that agencies, consultants and the public are familiar with. This bill need only to require the use of the present environmental review process under Chapter 343 and everyone involved will understand what will take place.

Finally, Section 13, pages 40-44, calls for the creation of an inter-island ferry oversight task force. We question its necessity. It seems unlikely that a task force made up of business people, environmentalist and cultural practitioners will be qualified to examine the ferry vessel's impact on the ocean life and marine animals and plants, on the state's water resources and quality, etc. These seem like tasks for professionals in several different fields whose job it is to conduct this type of monitoring.

Thank you for the opportunity to comment on this bill.

testimony

From: silverslev@cox.net
Sent: Tuesday, October 23, 2007 6:17 PM
To: testimony
Subject: PLEASE DEMAND AN EIS BEFORE THE SUPERFERRY CAN SAIL

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

NOTICE OF HEARING:

DATE: Wednesday, October 24, 2007
TIME: 10:30 a.m.
PLACE: Auditorium State Capitol
415 South Beretania Street

Dear Legislators,

I feel strongly that an EIS should be required to be completed BEFORE the SuperFerry is allowed to sail.

After Judge Cardoza ruled to uphold the law, I feel it is extremely unfair and unlawful for Governor Lingle to override this decision. To allow the SuperFerry to sail without having an EIS prepared and COMPLETED is outrageous and is not what the people of this State want.

I feel it is unfair for the Governor to side with a private company in this instance. Enough issues have been raised against the SuperFerry to WARRANT an EIS and any other survey to see what the impact on both Kauai and Maui will be once the Ferry starts to operate.

I strongly feel that an EIS and survey of the people should have been done 3 years ago when the SuperFerry was first discussed. If this would have happened in a timely manner, none of this "last minute" stress would be happening.

I ask the Legislators to please listen to the requests of the people here on Kauai to honor and uphold the law that Judge Cardoza originally ruled on. There should be NO SPECIAL ASSIGNMENTS for a privately-owned company- specifically the Hawaiian SuperFerry.

Thank you very much for allowing me to express my heartfelt feelings. It is extremely important to me to maintain the beauty and small-island feel of Kauai, as it is my home. We need to protect our aina!

Mahalo for your attention.
Sincerely,
Andrea Slevin
PO Box 223875
Princeville, HI 96722

testimony

From: nunyabus nunyabus [inunyabus@gmail.com]
Sent: Tuesday, October 23, 2007 6:23 PM
To: testimony
Subject: SEPARATION OF POWERS

Attachments: SEP OF PWRS.rtf



SEP OF
PWRS.rtf (4 KB)

Submitted by: Elaine Yadao

P.O. Box 861
Lihue, HI 96766
Email: inunyabus@gmail.com

October 22, 2007

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR
Senator Brian Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS Senator Kalani English,
Chair Senator Mike Gabbard, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary Hooser, Vice Chair

WRITTEN TESTIMONY IN OPPOSITION TO SUPERFERRY LEGISLATION AND SPECIAL
SESSION SUPPORTED BY THE SEPARATION OF POWERS DOCTRINE

American Jurisprudence, Second Edition
Database updated July 2007

Constitutional Law
Donald T. Kramer, J.D.

VII. Departmental Separation of Governmental Powers [§§ 246–312] D. Legislative Powers [§§
275–287] 2. Limitations As Respects Executive and Judiciary [§§ 277–287]

Topic Summary Correlation Table References

§ 281. Encroachment on judiciary; generally

The uniform view held in this country is that the legislature does not inherently possess any judicial power (except in the case of impeachments)[FN81] or any mixed jurisdiction which is partly legislative and partly judicial.[FN82] However, Congress is not barred from acting pursuant to its powers under Article I of the Constitution to vest decisionmaking authority in tribunals that lack the attributes of Article III courts,[FN83] and, of course, Congress, subject only to Article III of the Constitution, is authorized to establish the jurisdiction of inferior federal courts.[FN84] Stated as a composite of the various expressions to be found in the reported cases, the rule is that the legislature may not invade, exercise, assume, usurp, or encroach upon the inherent powers[FN85] or province of the judiciary.[FN86] The doctrine of inherent powers confers upon the courts the power to do all things reasonably necessary for the exercise of their functions as courts, and another branch of government cannot, by denying resources or authority to the courts, prevent them from carrying out their constitutional responsibilities as an independent branch of government.[FN87] A state supreme court's inherent judicial power is not derived from a legislative grant or specific constitutional provision, but from the very fact that it has been created and charged by the state constitution with certain duties and responsibilities; accordingly, the legislature cannot limit the exercise of inherent judicial power, such being essential to the existence of the court and the orderly and efficient exercise of the administration of justice.[FN88] However, at least within the federal court system, the exercise of the inherent power of the lower federal courts to impose attorney fees as sanctions can be limited by statutes and rules, as those courts were created by act of Congress,[FN89] and a provision of the Antiterrorism and Effective Death Penalty Act barring judicial review of a final order of deportation based on certain criminal offenses does not violate Article III judicial powers, because federal appellate courts have jurisdiction to review final orders of deportation and exclusion against aliens only because Congress has conferred it in the first place.[FN90] Congress has the power, for purposes of separation-of-powers analysis under Article III, § 1 of the Federal Constitution, to enact prospective legislation permitting, or indeed requiring, the United States Supreme Court to make equitable exceptions to an otherwise applicable rule of finality of judgments, just as federal district courts do pursuant to Rule 60(b) of the Federal Rules of Civil Procedure.[FN91] It has been held that the separation of powers doctrine does not require judicial review of a calculation of the Medicare Part B conversion factor by the Secretary of Health and Human Services, since by enacting a "no review" provision and prohibiting any review of the Secretary's calculation, Congress simply intended to prevent judicial second-guessing of discretionary administrative decisions rather than infringing upon the powers of judicial review and prohibiting review of substantial constitutional issues.[FN92] The courts are subject to explicit congressional directives as to choice of law where such directives are constitutional.[FN93] It is not within the power of the legislature to change the nature of a judicial function by merely creating another agency to participate in its performance,[FN94] or generally to invoke or set in motion any public or private law for the purpose of securing to individuals any remedy or relief from alleged wrongs.[FN95] Neither is it the function of the legislature to determine whether a statute declaring a general policy has been violated in any particular, for that is a judicial function.[FN96]

CUMULATIVE SUPPLEMENT

Cases:

Congress changed scope of permissible antitrust claims that could be resolved by federal courts when it enacted amendment making it not unlawful under antitrust laws to sponsor, conduct, or participate in graduate medical education residency matching program or to agree to do such acts and prohibiting use of such conduct as evidence in support of antitrust claim, but, in doing so, Congress did not prescribe different finding, conclusion, or result in medical school graduates' antitrust action or other particular antitrust case, and therefore amendment was not unconstitutional on grounds that it violated separation-of-powers doctrine. *Jung v. Association of American Medical*

Colleges, 339 F. Supp. 2d 26, 192 Ed. Law Rep. 789 (D.D.C. 2004).

A statute which purports to create or modify a procedural rule of court is constitutionally infirm, under state constitutional separation of powers, because it intrudes on the Supreme Court's rulemaking authority. West's F.S.A. Const. Art. 2, § 3; West's F.S.A.

Const. Art. 5, § 2(a). State v. Raymond, 906 So. 2d 1045 (Fla. 2005).

Statute prohibiting a person charged with a dangerous crime from being granted nonmonetary pretrial release at a first appearance hearing is purely a matter of "practice and procedure" in all courts, and therefore the statute is an unconstitutional violation of the Separation of Powers Clause of the Florida Constitution, because it intrudes on the Supreme Court's rulemaking authority; statute merely affects timing of nonmonetary pretrial release, without altering fixed statutory eligibility for nonmonetary pretrial release. West's F.S.A.

Const. Art. 2, § 3; West's F.S.A. Const. Art. 5, § 2(a); West's F.S.A.

§ 907.041(4)(b). State v. Raymond, 906 So. 2d 1045 (Fla. 2005).

Where there is no substantive right conveyed by a statute, the procedural aspects of the statute are not incidental, and accordingly, the statute violates state constitutional separation of powers, by invading the Supreme Court's rulemaking authority. West's F.S.A.

Const. Art. 2, § 3; West's F.S.A. Const. Art. 5, § 2(a). State v.

Raymond, 906 So. 2d 1045 (Fla. 2005).

Although the legislature may repeal a court procedural rule, it cannot, under constitutional separation of powers, create a new procedural rule by statute. West's F.S.A. Const. Art. 2, § 3; West's F.S.A.

Const. Art. 5, § 2(a). State v. Raymond, 906 So. 2d 1045 (Fla.

2005).

Statute that prohibits a court from enjoining the taking and using of property appropriated by the government after the compensation for the property has been deposited with the court, but prior to appellate review of the taking, violates the separation-of-powers doctrine and is therefore unconstitutional. Const. Art. 4, § 1; R.C. § 163.19.

Norwood v. Horney, 110 Ohio St. 3d 353, 2006-Ohio-3799, 853 N.E.2d

1115 (2006).

Legislative enactment which amended numerous statutes and rules relating to tort and other civil actions, in an attempt to reenact provisions previously held unconstitutional by Supreme Court, usurped judicial power in violation of doctrine of separation of powers, and thus was unconstitutional.

Ohio Const Art 2 § 32. State ex rel. Ohio Academy of Trial Lawyers v. Sheward, 86 Ohio St. 3d 451, 715 N.E.2d

1062 (1999).

[END OF SUPPLEMENT]

[FN81] New England Trust Co. v. Paine, 317 Mass. 542, 59 N.E.2d 263, 158 A.L.R. 262 (1945); State ex rel. Grant v. Eaton, 114 Mont. 199, 133 P.2d 588 (1943).

[FN82] State Bar Ass'n of Conn. v. Connecticut Bank & Trust Co., 145 Conn. 222, 140 A.2d 863, 69 A.L.R.2d 394 (1958); State ex rel. Grant v. Eaton, 114 Mont. 199, 133 P.2d 588 (1943).

[FN83] Thomas v. Union Carbide Agr. Products Co., 473 U.S. 568, 105 S. Ct. 3325, 87 L. Ed. 2d 409, 22 Env't. Rep. Cas. (BNA) 2033, 15 Env'tl. L. Rep. 20698 (1985).

[FN84] American Life League, Inc. v. Reno, 47 F.3d 642, 134 A.L.R. Fed. 735 (4th Cir. 1995), cert. denied, 116 S. Ct. 55, 133 L. Ed. 2d 19 (U.S. 1995).

[FN85] Plyler v. Moore, 100 F.3d 365 (4th Cir. 1996) (an attempt to alter legislatively a legal judgment violates the separation-of-powers doctrine); Gray v. Commissioner of Revenue, 422 Mass. 666, 665 N.E.2d 17 (1996); State v. Hochhausler, 76 Ohio St. 3d 455, 668 N.E.2d 457 (1996); Salt Lake City v. Ohms, 881 P.2d 844 (Utah 1994); In re D.L., 164 Vt. 223, 669 A.2d 1172 (1995).

Judgments within the powers vested in the courts by the judiciary article of the Constitution may not lawfully be revised, overturned, or refused full faith and credit by another department of government.

Puerto Rico Maritime Shipping Authority v. Federal Maritime Com'n, 75 F.3d 63, 1996 A.M.C. 2994 (1st Cir. 1996).

The "inherent powers" of the courts are those whose exercise is essential to the function of the judicial department, to the maintenance of its authority, or to its capacity to decide cases; although such inherent powers may be recognized by statute, they exist without statutory authorization and cannot be restricted or abolished by the legislature without violating the separation of powers provision. Gray v. Commissioner of Revenue, 422 Mass. 666, 665 N.E.2d 17 (1996).

[FN86] New York v. U.S., 505 U.S. 144, 112 S. Ct. 2408, 120 L. Ed. 2d 120, 34 Env't. Rep. Cas. (BNA) 1817, 22 Env'tl. L. Rep. 21082 (1992), on remand to, 978 F.2d 705 (2d Cir. 1992); Ex parte Huguley Water System, 282 Ala. 633, 213 So. 2d 799 (1968); Adams v. Rubinow, 157 Conn. 150, 251 A.2d 49 (1968); Fiore v. City of Highland Park, 93 Ill. App. 2d 24, 235 N.E.2d 23 (2d Dist. 1968), cert. denied, 393 U.S. 1084, 89 S. Ct. 867, 21 L. Ed. 2d 776 (1969); Thorpe v. King, 248 Ind. 283, 227 N.E.2d 169 (1967); Opinion of the Justices, 140 N.H. 297, 666 A.2d 523 (1995); Court of Common Pleas of Erie County (6th Judicial Dist.), Juvenile Probation Dept. v. Pennsylvania Human Relations Com'n, 546 Pa. 4, 682 A.2d 1246 (1996); Lemoine v. Martineau, 115 R.I. 233, 342 A.2d 616 (1975).

Congress may not violate the constitutional separation of powers principles by instructing federal courts to reopen final judgments.

Plaut v. Spendthrift Farm, Inc., 514 U.S. 211, 115 S. Ct. 1447, 131 L. Ed. 2d 328, Fed. Sec. L. Rep. (CCH) ¶98,681 (1995).

A court's "inherent power" with respect to a particular subject matter or function means simply that the court, by virtue of its status as one of three constitutionally designated branches of government, has power to act even in the absence of explicit constitutional or legislative authorization. However, the legislature does not necessarily violate the separation of powers doctrine whenever it legislates with regard to an inherent judicial power or function. Superior Court v. County of Mendocino, 13 Cal. 4th 45, 51 Cal. Rptr. 2d 837, 913 P.2d 1046 (1996).

The legislature did not usurp the powers of the judiciary by denying jury trials to first-time driving under the influence of intoxicating liquor offenders; the jury trial right was only eliminated through the court's interpretation of the act, not by the act itself. State v. Nakata, 76 Haw. 360, 878 P.2d 699 (Haw. 1994), reconsideration denied, 76 Haw. 453, 879 P.2d 558 (Haw. 1994) and as amended on other grounds, (Aug. 18, 1994) and cert. denied, 513 U.S. 1147, 115 S. Ct. 1095, 130 L. Ed. 2d 1063 (1995).

[FN87] State in Interest of A.C., 643 So. 2d 719 (La. 1994), reh'g granted, (May 12, 1994) and on reh'g on other grounds, 643 So. 2d 743 (La. 1994), cert. denied, 515 U.S. 1128, 115 S. Ct. 2291, 132 L. Ed. 2d 292 (1995); Gray v. Commissioner of Revenue, 422 Mass. 666, 665 N.E.2d 17 (1996).

[FN88] State v. Joubert, 246 Neb. 287, 518 N.W.2d 887 (1994).

[FN89] *Chambers v. NASCO, Inc.*, 501 U.S. 32, 111 S. Ct. 2123, 115 L. Ed. 2d 27, 19 Fed. R. Serv. 3d (LCP) 817 (1991), reh'g denied, 501 U.S. 1269, 112 S. Ct. 12, 115 L. Ed. 2d 1097 (1991).

Barring the assessment of attorneys' fees and costs against the United States as sanctions for prosecutorial misconduct on grounds of sovereign immunity would not violate the separation of powers by leaving the courts defenseless against prosecutorial abuses. *U.S. v. Horn*, 29 F.3d 754, 29 Fed. R. Serv. 3d (LCP) 1525 (1st Cir. 1994).

[FN90] *Duldulao v. I.N.S.*, 90 F.3d 396 (9th Cir. 1996), as amended on other grounds, (Oct. 8, 1996); *Boston-Bollers v. I.N.S.*, 106 F.3d 352 (11th Cir. 1997).

Candioto, *The Antiterrorism and Effective Death Penalty Act of 1996: Implications Arising from the Abolition of Judicial Review of Deportation Orders*. 23 J Legis 159, 1997.

[FN91] *Plaut v. Spendthrift Farm, Inc.*, 514 U.S. 211, 115 S. Ct. 1447, 131 L. Ed. 2d 328, Fed. Sec. L. Rep. (CCH) ¶98,681 (1995).

[FN92] *Painter v. Shalala*, 97 F.3d 1351, 51 Soc. Sec. Rep. Serv. 810 (10th Cir. 1996).

[FN93] *Neely v. Club Med Management Services, Inc.*, 63 F.3d 166, 1996 A.M.C. 776 (3d Cir. 1995).

[FN94] *State ex rel. Williams v. Whitman*, 116 Fla. 196, 150 So. 136, 95 A.L.R. 1416 (1933).

[FN95] *Thomas v. Union Carbide Agr. Products Co.*, 473 U.S. 568, 105 S. Ct. 3325, 87 L. Ed. 2d 409, 22 Env't. Rep. Cas. (BNA) 2033, 15 Env'tl. L. Rep. 20698 (1985).

A decision concerning just compensation owed one whose property is taken is the province of judicial, not legislative, determination; however, this requirement is satisfied by the availability of judicial review. *Wisconsin Cent. Ltd. v. Public Service Com'n of Wisconsin*, 95 F.3d 1359 (7th Cir. 1996).

[FN96] *Communist Party of U.S. of America v. Peek*, 20 Cal. 2d 536, 127 P.2d 889 (1942).

AMJUR CONSTLAW § 281

END OF DOCUMENT

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SEPARATION OF POWERS CASE LAW IN EQUITY

Thus, by the Constitution, and independently of any legislative enactment, the judicial power over cases in equity has been vested in the courts, and, in the absence of any constitutional provisions to the contrary, such power may not be abrogated or restricted by the legislative department. Any legislation, therefore, the purpose or effect of which is to divest, in whole or in part, a constitutional court of its constitutional powers, is void as being an encroachment by the legislative department upon the judicial department.

[6] [Link to KeyCite Notes](#)[7] [Link to KeyCite Notes](#)[8] [Link to KeyCite Notes](#)[9] [Link to KeyCite Notes](#) The writ of injunction is the principal, and the most important, process issued by courts of equity, it being frequently spoken of as the 'strong arm of equity.' Its function is to furnish preventive relief against irreparable mischief or injury. Its **406 object and purpose is to preserve and keep things in status quo until otherwise ordered and to restrain an act which, if done, would be contrary to equity and good conscience. 14 R.C.L. 639. The granting or withholding of an interlocutory injunction is addressed to the sound discretion*416 of the court, to be exercised according to the circumstances of the particular case. While utmost care and caution are to be observed in the exercise of the jurisdiction, and while the relief sought is to be granted only upon a clear showing of necessity in order to afford immediate protection of a complainant's right, yet, when these essentials have been satisfied, it is the duty of the court to exercise its equity power and grant the necessary relief.

...

But the courts are not required to recognize a legislative restriction which has the effect of depriving them of a constitutional grant or of one of their inherent powers. What the Legislature has not given, it cannot take away. The Legislature cannot indirectly control the action of the court by directing what steps must be taken in the progress of a judicial inquiry, for that is a judicial function. *Stephens v. Cherokee National*, 174 U.S. 445, 478, 19 S.Ct. 722, 43 L.Ed. 1041; *Ex parte Hagan*, 295 Mo. 435, 245 S.W. 336.

*419 Nor, again, is it any answer herein to say that there is no vested right in a particular form of remedy. It is not a question of the right of a Litigant to a particular remedy, but, rather a question of the power of the court to employ a particular form of remedy necessary to protect a right. In this connection, it may be observed that there is a vital distinction between legislative abolition of causes of action and a legislative interference with the judicial processes respecting an existing cause of action. This distinction was drawn in the recent case of *Shea v. Olson*, 185 Wash. 143, on page 157, 53 P.(2d) 615, 621, in the following language:

'The final ground of the contention is that the act violates article 4, §§ 1 and 6 of the State Constitution, relating to the judicial powers of the state. The act does not assume to interfere with any power of the court. What it does is to abolish certain causes of action. The power of a court is not invoked until a cause comes before it, and terminates when the action ceases. The judicial power is not affected merely because litigation decreases or a certain type of litigation is abolished.' (Italics ours.)

Blanchard v. Golden Age Brewing Co.
188 Wash. 396, 63 P.2d 397
Wash. 1936

testimony

From: Doc Smith [whatsupdoc@mac.com]
Sent: Tuesday, October 23, 2007 6:39 PM
To: testimony
Subject: Please allow the S F run while the "E A" is being done.

To our Legislatures ,

Please allow the S F run while the "E A" is being done.

A Majority of the citizens of Hawaii want the SuperFerry.

Don't let a few bullying protesters win this battle.

The people who want the Ferry are intimidated by the raucous protesters. So they don't show up.

Gordon Smith
Kapa'a, Kauai, Hawaii

testimony

From: Bob Gould [bob.gould@stanfordalumni.org]
Sent: Tuesday, October 23, 2007 6:34 PM
To: testimony
Subject: Testimony in favor of the Hawaii Superferry in the Senate bill as yet unnumbered

Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

My name is Robert A. Gould and I strongly support Hawaii Superferry.

We can not let a minority of misguided self described 'environmentalists' and racist local people to stop a needed transportation system in the name of saving their islands from the predations of people from Oahu or the theft of their opihi! Their attitudes are ridiculous, and they should be required to subsist only on the produce of their own islands and prohibited from traveling off their islands on anything but a canoe.

We need the superferry as a protection against the results of the bankruptcy of local airlines that will be caused by Go's predatory practices. Putting special restrictions on the Superferry that don't apply to other modes of transportation is unfair, and if the same thing were attempted in commerce between the mainland and Hawaii it would be an illegal obstruction of interstate commerce.

Don't let the cries of "the legislature should follow the law as expressed by the court, not try to change it." Such cries only illustrate their ignorance. The legislature makes the laws. The courts only interpret the laws the legislature makes and ensures that those laws are constitutional. It is your job to pass laws that encourage commerce; not inhibit it!

Robert Gould
44-365 Kaneohe Bay Dr.
Kaneohe, HI, 96744
254-5242

testimony

From: Pakala@aol.com
Sent: Tuesday, October 23, 2007 6:42 PM
To: testimony
Subject: Hawaii Superferry

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

I, Philip Keat, strongly support the Hawaii Superferry and urge you to quickly pass a bill whereby the Superferry can operate with over bearing restrictions while environmental studies are completed. The Superferry is the most significant improvement to inter-island transportation in our lifetimes. We must no let this important project founder. It is now in your hands.

Philip S. Keat
1-1000 Kauimualii Highway
Makaweli, HI 96769

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testimony

From: ednaray@aol.com
Sent: Tuesday, October 23, 2007 6:42 PM
To: testimony
Subject: Super Ferry

I am writing you to urge that you enact legislation that will allow the SuperFerry to begin service.

While I agree that the environment is important and that safeguards should be in place to protect it, I believe that this can be accomplished so that the needs of the environment can be balanced with the needs for economic growth for our islands.

Some of the protesters will be unhappy with any result that allows the SuperFerry to operate in Hawaiian waters. These people are reactionaries whose only goal is to take Hawaii backwards to a romanticized notion of what Hawaii used to be. That is neither realistic nor productive. We must find a happy medium that protects our islands while simultaneously allowing them to continue economic growth, providing more jobs and opportunities for local families.

With new legislation in place allowing the SuperFerry to service our islands, it will also be important to not allow those who oppose it to interfere with operations in an unlawful manner. We cannot allow the few to hijack our state for that would result in a state of anarchy.

Sincerely,

Edna Ray
2268 Loke Rd
Koloa, HI 96756

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

testimony

From: Betty Berni [betty.berni@hotmail.com]
Sent: Tuesday, October 23, 2007 6:23 PM
To: testimony
Subject: support the superferry

Please support the superferry. The bill 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.

My name is *Betty Berni* and I strongly support Hawaii Superferry. This new alternate method of transportation will benefit all Hawaii. The opposition makes no sense in that there are many other similar types of ships traveling around the islands and the superferry is being singled out for extra study.

i do not plan to testify in person.

Betty Berni
3551 Waakaua Street
Honolulu, HI 96822
808/988-5318

Boo! Scare away worms, viruses and so much more! Try Windows Live OneCare! [Try now!](#)

testimony

From: Joanne Lim [jol12@yahoo.com]
Sent: Tuesday, October 23, 2007 5:49 PM
To: testimony
Subject: I Support Hawaii Superferry

My name is Joanne O. N. Lim, and I strongly support Hawaii Superferry. I do not plan to appear in person to submit my comments and I thank you for receiving my testimony by e-mail.

My family appreciates another option for transportation in between the islands of our State.

The thing that is most perplexing to us is; exactly who are the ultra vocal parties against the Superferry? Our large group of family, friends and work acquaintances represent a wide variety of ages, races and economic diversity, yet NOT ONE OF THEM IS AGAINST THE SUPERFERRY. We know the environmental issues will be addressed. We hope you will represent those of us who do not have any big business or protectionist agendas.

Thank you.

Joanne O. N. Lim
2028 Alewa Dr.
Honolulu, HI 96817
808 831-5223

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testimony

From: DWG47@aol.com
Sent: Tuesday, October 23, 2007 6:18 PM
To: testimony
Subject: (no subject)

I support the Super Ferry. It is ashamed that a few people can cause such a mess. The people don't seem to mind have food, clothes, and supplies shipped to them. Also people fly there. Cruise ships go there. What is the difference?

I hope you come up and do the right thing and all the Super Ferry employees can get their jobs back.

Sincerely,
Charlene Greer

See what's new at AOL.com and [Make AOL Your Homepage](#).

testimony

From: DWG47@aol.com
Sent: Tuesday, October 23, 2007 6:18 PM
To: testimony
Subject: (no subject)

I support the Super Ferry. It is ashamed that a few people can cause such a mess. The people don't seem to mind have food, clothes, and supplies shipped to them. Also people fly there. Cruise ships go there. What is the difference?

I hope you come up and do the right thing and all the Super Ferry employees can get their jobs back.

Sincerely,
Charlene Greer

See what's new at AOL.com and [Make AOL Your Homepage](#).

testimony

From: Robert Stevens [mookane@hotmail.com]
Sent: Tuesday, October 23, 2007 6:20 PM
To: testimony
Subject: Support Hawaii Superferry

I support Hawaii Superferry, I can visit family and friends on neighbor island and wouldn't have to rent a car. I am currently in Washington State and they have a great ferry system throughout the Puget Sound. Most of all, they haven't hit any killer whales either! These protesters need to get a life or go back where they came from.

"Sink da Protesters"

Robert Keli'iaumoana
Washington State

Windows Live Hotmail and Microsoft Office Outlook – together at last. [Get it now!](#)

10/24/2007

testimony

From: Bruce Pleas [hisurf3@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 6:44 PM
To: testimony
Subject: Superferry testimony

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight
Task force, etc.

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Bruce Pleas
PO Box 721, Waimea, Hawaii 96796
Tel (808) 337-9509/639-2850
Email hisurf3@hawaii.rr.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

MY POSITION:

I HAVE ATTENDED ALL (5) OF THE SUPERFERRY MEETINGS ON KAUAI, HAVE PRESENTED TESTIMONY AND ASKED QUESTIONS WITH MINIMAL RESPONSE FROM BOTH THE DOT AND SUPERFERRY REPRESENTATIVES. ANY QUESTIONS ABOUT AN EIS HAVE BEEN COMPLETELY PUT ASIDE WITH THE RESPONSE FROM MR. FUKINAGA THAT "THE EIS ISSUE WILL NOT BE DISCUSSED AS IT HAS BEEN DECIDED THAT NO EIS IS REQUIRED." THERE HAS ALSO BEEN NO MOVEMENT FROM THE SUPERFERRY REPRESENTATIVES ON BRINGING THE COUNTY INFRASTRUCTURE UP TO THE LEVELS REQUIRED FOR AN INCREASE IN TRAFFIC TO THE NAWILIWILI AREA AND AT COUNTY PARKS.

10/24/2007

I AM OPPOSED TO ANY SPECIAL SESSION TO PROVIDE AFTER THE FACT LEGISLATION ON THE JUDICIAL DECISIONS ON THE ADMINISTRATIONS ACTION NOT TO REQUIRE AN EIS FOR STATE EXPENDITURES ON THE SUPERFERRY.

PLEASE UPHOLD THE TWO JUDICIAL DECISIONS AND VOTE NO TO ANY SPECIAL SESSION BILL THAT WOULD ALLOW THE SUPERFERRY TO OPERATE DURING AN EIS.

I am also asking along with many other people that you please honor the Court's decision to require an Environmental Review of the HDOT Harbor project **BEFORE** allowing the Superferry to operate. If you pass this bill (which I would consider an illegal bill since it is an after the fact bill that is against the principles of the checks and balances system that our democracy is based upon, once the Judicial decision is rendered all the Legislative Branch can change is **LAW** for the future, not the past), please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Mahalo,
Bruce Pleas

testimony

From: anne washburn [annew@hawaiiantel.net]
Sent: Tuesday, October 23, 2007 6:45 PM
To: testimony
Subject: SUPERFERRY

TO: Legislature's Public Access Room

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

MY NAME IS ANNE WASHBURN AND MY HUSBAND JOHN WASHBURN AND I LIVE IN MILILANI. WE, AND THE VAST MAJORITY OF OUR FRIENDS AND PEOPLE WE WORK WITH, HAVE BEEN SO EXCITED ABOUT THE FERRY COMING TO HAWAII. TO PUT A STOP TO THIS AFTER THEY (FERRY COMPANY) HAVE ARRIVED AND WHEN EVERYONE HAS KNOWN FOR SO LONG THAT THIS WAS PLANNED SEEMS TO ME A TRAVESTY OF JUSTICE FOR THE SUPER FERRY AND FOR THE OVERWHELMING NUMBER OF HAWAII RESIDENTS WHO WOULD LIKE IT TO BE ABLE TO STAY. THAT A SMALL VOCAL MINORITY CAN DICTATE TO THE MAJORITY OF THE STATE IS VERY UNJUST.

WE WON'T BE SILENT ANY LONGER - PLEASE ALLOW THE FERRY TO CONTINUE AS WAS AGREED UPON.
625-5469

testimony

From: Alfred Bloom [albloom@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 6:45 PM
To: testimony; Alfred Bloom
Subject: Re: Testimony - Special SUPERFERRY Session

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force,
etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: My Name Alfred Bloom
My Address 204 Kuuhoa Pl, Kailua, Hi. 96734
Tel 263-8567 Email albloom@hawaii.rr.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project **BEFORE** allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)But I strongly oppose allowing the Superferry to operate without the EIS first. It is the law. Please honor the law.

Date: Wednesday, October 24, 2007

**To: Hawaii State Senators
808-586-6659**

**From: Doug Phillips
Phone: 808-882-1692 Fax: 808-880-1259**

Pages: 1 (including this page)

Relating to SB 1 - Transportation

Requiring an Environmental Impact Statement and oversight Task force for Hawaii Superferry

DATE: Wednesday, October 24, 2007

TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators.

FROM: Doug Phillips

P.O. Box 44910

Kamuela, HI 96743

Please do not allow HSF to commence operations prior to conducting an Environmental Assessment.

And no matter what happens, please investigate under what circumstances the EA exemption was granted.

Let the Court rulings stand. NO ferry service until an EA is conducted.

access2

From: Nikki Stange [nikkistange@yahoo.com]
Sent: Wednesday, October 24, 2007 12:36 AM
To: testimony
Subject: Relating to SB 1 Relating to Transportation Requiring an Environmental Impact Statement

Relating to SB 1 Relating to Transportation Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: Nikki Karen Stange
5206 B Lower Honoapiilani Road
Lahaina, HI 96761

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

Dear State Legislators,

Please protect your public's interest from irreparable harm!
Do not allow the Superferry to operate until an EA is completed and mitigation measures are in place to protect the public's interest.

Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

I do not support further legislation that supports a bad administrative decision.

Please stop this illegal activity!

Don't let the Superferry sail without an EA!

What good is an EA after the HSF has already caused irreparable harm?
...Dead whales, coqui frogs, fire ants, invasive species, damage to our natural resources, traffic problems, etc...

We have already seen exploitive activities - the attempted theft of imu stones - related to the Superferry.

The public's interest is not served by allowing the HSF to operate without following the law and completing an EA.

Our voices deserve to be heard!

The outer island people spoke and they were ignored.
The County Councils spoke and they were ignored.
The Court spoke and this decision is now being ignored?!

Circuit Judge Joseph Cardoza stopped operations until the assessment is done.

Please do the right thing and abide by Judge Joseph Cardoza's decision!
Please protect your public's interest from irreparable harm!

Malama Pono,
Nikki Karen Stange
5206 B Lower Honoapiilani Road
Lahaina, HI 96761

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testimony

From: Michael Duberstein [iliwai34@hawaii.rr.com]
Sent: Wednesday, October 24, 2007 7:53 AM
To: testimony
Subject: Superferry legislation
Attachments: Ferry and Terminal Analysis Data Sheets.xls; Requested Minimum Superferry Conditions

I strongly oppose any legislation which will allow Superferry to operate during the period an Environmental Assessment and/or an Environmental Impact Study is being conducted.

Earlier this year I prepared a study of traffic-and-terminal related environmental impacts of various ferry systems not only in the United States but also around the world with an emphasis on mandated traffic and terminal mitigations.

This report studied in detail 47 existing and proposed ferry systems (see attachment):

United States ferry systems	35
Canadian ferry systems	4
United Kingdom ferry systems	4
Hamilton, New Zealand	
Indonesia	
Oslo, Norway, and	
Guyana.	

Twenty one ferry systems were currently in operation, twenty four were proposed, and two were defunct; twenty seven can be classified as "fast ferries."

Environmental assessment and impact studies—under a variety of titles based on the jurisdiction—were found for all except five of them, and most ferry systems had both significant traffic and terminal-related issues with specific mitigation recommendations mandated before the ferry could start operating; all but four held required and rigorous public scoping sessions prior to the ferry start-up--something that Hawaiian Superferry has never done, just as the briefings around the state this week by members of the Senate are basically informational in nature with no emphasis on content and mitigation.

In addition, as a first addendum to the study because it's sited specifically by Hawaii Superferry as a model for traffic forecasting of trip generating, I looked at The Great Lakes Lake Express which was covered by NEPA rather than state assessments and for which no printed report is available. However, had the normal study process been followed, it might have helped avoid some of the severe traffic, terminal and revenue problems that turned up in that system's early operations.

As a second addendum, I also looked at the environmental assessment process in a number of states that also have extensive ferry systems. Point blank, no state has ever weakened its environment policy and assessment laws as you propose in this abomination of drafted legislation--and I spent a decade as a researcher, legislative assistant and legislative analyst in the U. S. Congress.

10/24/2007

The Governor says following our environmental laws will drive away business. Nonsense, because businesses will go wherever they can make money. But if a bill passes that lets the Lingle Administration off the hook, that eviscerates H.R.S. 343, and contains none of the mitigating conditions stemming from the Second Circuit hearing (see attachment), the tables will be turned on you; instead of being blackmailed by the Governor and her Delaware-based Superferry cohorts, I assure you the word will go out to all who hold the environment sacrosanct to stay away from our state and not to visit Hawai'i until we are healthy again.

I sat through the entire trial in Judge Cardoza's courtroom. Are you aware that the head of the Maui Chamber of Commerce--who today plans to lead a march around the Capitol--when she testified had never known of H.R.S. 343, much less read a word of it; that the head of the state's Agriculture Department's Inspection program testified that she had no resources available that would allow her to assign government inspectors on Superferry vessels; that the Superferry/HDOT so-called "whale" expert--when he was not working for the petroleum industry--had never studied or written about marine mammals in Hawaiian waters or specialized in whale species other than decade-old reports counting Gray or Bowhead whales; or, that none of the Superferry/HDOT witnesses could specifically point to anything other than minor personal discomforts from using current transportation options. Everything is there in the transcripts which should be read by you before you move ahead with foolish legislation largely crafted by the Superferry's \$2000 an hour legal team, a strangely changing group of attorneys whose constant objections to almost every sentence from plaintiff's attorney turned what should have been a one week to ten day hearing into a month-long ordeal.

As we all sat in that courtroom, we got to know Superferry employees who were being paid to attend the hearing. We learned that over 90% of them--33 of 35 on Maui--were only part-time employees, scheduled to work only a maximum of nineteen hours a week which would have excluded them from any health, pension or other benefits going to fulltime workers. And that none of the part-time employees had been told at the time of their hiring that legal action was pending that might affect their work status.

I do not oppose interisland ferry service. Once adequate environmental assessments and impacts are mitigated, I would welcome such a service here on Maui. (However, I fear one key reason both the Lingle Administration and Superferry leaders made sure no such assessments and mitigations were conducted under H.R.S. 343 is that they feared--and still fear--that they could never reconcile their still secret [per the Supreme Court decision] business plan and schedules with necessary environmental law and practice.)

You are a holder of our public trust. You must do what is right, what is pono. As legislators you must lead--and if that entails voting against phony public polls and against the huge resources being spent by Superferry and its p.r. firms--let pono be your final guide. Remember that a lot more than a simple ferry system is at stake here.

Mahalo and malama pono

**Michael J. Duberstein
34 Iliwai Loop
Kihei 96753 891-0597**

I am using the free version of SPAMfighter for private users.
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10/24/2007

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Try SPAMfighter for free now!

**Ferry Traffic and Terminals:
Ferry Traffic and Terminals:
Analysis Data Sheets**

**M. J. Duberstein
34 Iliwai Loop
Kihel, Hawaii**

LOCATION	PROJECT NAME	RPT DATE	PROPOSED	FERRY TYPE RUNNING	FAST	EIS YES	EIS NO	SCOPING HELD	TRAFFIC ISSUES	TERMINAL ISSUES
California	Friday Harbor	2005		x		x		x	x	x
	Eagle Harbor	2005		x		x		x	x	x
	East Bay	1992 - date	x		x	x		x	x	x
	Ferry North Bay	2001 - date	x		x	x		x	x	x
	Ferry Galveston - Bolivar	2001		x			x	x	x	x
Chesapeake Bay	Ferry Task Force	2005	x		x	x		x	x	x
	Crisfield MID - Reedsville VA	2005	x		x	x		x	x	x
New York	South Ferry									
	MTA Terminal	2004	x	x		x		x	x	x
	Staten Island	2005		x		x		x	x	x
	NYC - Boston Truck									
	Ferry Long Island Sound	2003	x		x	x		x	x	x
Connecticut	Long Island	2002	x		x	x		x	x	x
	New Haven CN	2005	x		x	x		x	x	x
	Rochester NY - Toronto ON	2001	x		x	x		x	x	x
	Intrastate Ferry	2001	x		x	x		x	x	x

LOCATION	PROJECT NAME	RPT DATE	FERRY TYPE		EIS		SCOPING HELD	TRAFFIC ISSUES	TERMINAL ISSUES
			PROPOSED	RUNNING	FAST	YES			
Rhode Island	Quonset Point Terminal	2003	x		x	x	x	x	x
Pennsylvania	Erie - Port Dover ON	2002	x		x	x	x	x	x
Massachusetts	Cape Cod (Falmouth) Nantucket Island	2001		x		x	x		x
Nova Scotia	Bedford	2007		x		x	x		x
British Columbia	Halifax	2006	x		x	x	x		x
Ontario	Pacificats	1992	x		x				x
	Gibsons	1987		x		x	x		x
	Toronto Terminal	2005		x		x	x		x
England	Dover	2006		x		x	x		x
	Portsmouth	1993		x		x	x		x
	Isle of Wight	1995		x		x	x		x
Scotland	Gourock - Dunoon	1997-1999		x		x	x		x
	Merak - Bakaupeni Terminal								
	Extension	2005		x			?		x
New Zealand	Hamilton	2005	x			x	x		x
Norway	Fjord City								
Oslo	Ferry Terminal	2005	x			x	x		x
Guyana	River Services Study	1990		x			?		x



testimony

From: Dick Mayer [dickmayer@earthlink.net]
Sent: Friday, October 19, 2007 7:59 AM
To: Dick Mayer
Subject: Requested Minimum Superferry Conditions
Attachments: "AVG certification"

Aloha,

Following is the letter on page 1, and the 4 page list of 29 conditions that we gave to Senate President Colleen Hanabusa and the entire legislature yesterday, (October 18).

WE REQUESTED THAT THE LEGISLATURE INCORPORATE THESE CONDITIONS IN ANY LEGISLATION THAT THEY MAY PASS THAT WOULD OVERTURN THE COURT RULINGS WHICH REQUIRED THAT AN ENVIRONMENTAL REVIEW BE COMPLETED BEFORE THE SUPERFERRY IS ALLOWED TO OPERATE.

Isaac Davis Hall
Attorney at Law
2067 Wells Street
Wailuku, Maui, Hawaii 96793
Telephone: (808) 244-6017
Facsimile: (808) 244-6775

October 18, 2007

I submit this letter on behalf of my client, Maui Tomorrow, inc.

We strongly oppose operation of Hawaii Superferry during the time it takes to prepare an EA or an EIS. Such operations violate unambiguous Hawaii law. Maui Circuit Court Judge Joseph E. Cardoza correctly found that such operations caused the possibility of irreparable harm to marine mammals and an increased rate of alien species introductions.

Evidence received during the hearings made it obvious that the Hawaii Superferry project "may" have a significant effect on the environment and, as such, a full EIS is required. Legislative recognition of this inevitability is no real concession to environmentalists.

We urge the Legislature not to pass this unconstitutional special legislation benefitting a single business, depriving us of vested Constitutional rights and violating the separation of powers by overruling a judicial decision.

If the Legislature has already decided (a) to convene a special session and (b) to allow Hawaii Superferry to operate while an EA or EIS is being prepared, it would be irresponsible of us to abandon the protection of the environment to the same administration that has been dedicated for many years to minimizing legitimate concerns about the Superferry project.

We are compelled to recommend conditions of operation to be imposed by the Legislature, not because we agree that the Superferry can operate (we do not) or because we agree with the proposed legislation or its purposes (we do not), but because it is now necessary to protect Hawai'i from the impacts of the improvident actions of the Lingle Administration and the Legislature if they were to allow the Hawaii Superferry to operate, even after a month long trial amply demonstrated that this would be unlawful and would cause irreparable harm in multiple fashions.

Based upon one month of daily testimony from highly qualified experts, the consensus of prevailing expert opinion was that the following mitigation measures are absolutely required to minimize to some responsible degree the possibility of irreparable harm caused by Hawaii Superferry operations during the time it takes to prepare an EA or EIS:

CONDITIONS OF OPERATION

Protection of Marine Mammals and Turtles

1. Hawaii Superferry vessels shall travel in routes that are in waters that are in excess of 1000 fathoms.
2. If Hawaii Superferry vessels travel in a route that is in any part in waters less than 1000 fathoms, its vessels shall travel at the NOAA recommended speed of no more than 13 knots. The 13 knot limitation shall be inclusive of the first 10 miles of exits and entrances to Honolulu, Kahului and Nawiliwili harbors. At all times, regardless of fathom depth, the ferry shall travel at lesser speeds than provided above as determined by the Captain to provide safe passage to passengers and to minimize strikes to whales.
3. Should a Hawaii Superferry vessel strike a marine mammal, a written report of such strike shall be immediately transmitted to NOAA and any other agencies responsible for monitoring and regulating strikes.
4. Hawaii Superferry shall immediately apply for and receive from NOAA an incidental take permit and engage in Section 7 consultation with NOAA regarding the impacts of its ferry operations on protected marine mammals.

Protection Against Introduction of Alien Species

5. Hawaii Superferry shall conduct thorough undercarriage washes of all vehicles during embarkation at all ports to help dislodge seeds, insects and animals. Such undercarriage wash systems shall include appropriate debris traps and filters.
6. Hawaii Superferry shall utilize sufficient vacuum stations to vacuum the floors of all vehicles during embarkation. An appropriate filter system to trap and contain all debris shall be employed.
7. Hawaii Superferry shall not permit the transport of plants or plant propagative materials.
8. Hawaii Superferry shall secure and pay for all costs to have a dog handler team present at all harbors to conduct inspections of all vehicles at the time of embarkation. These dogs will be utilized to prevent the inter-island transmission, primarily, of invasive species and, secondarily, of drugs.
9. Hawaii Superferry shall inspect (a) the trunks of all cars, (b) the beds of all pickup trucks, (c) the engine compartments of all vehicles and (d) the interiors of all vehicles. Items such as coolers, boxes, trunks and luggage shall be opened and inspected.

10. Agricultural inspections shall not be conducted on a random basis. Every vehicle and passenger shall be inspected or screened.

11. Hawaii Superferry shall not permit the transport of fishing nets.

12. Hawaii Superferry shall conduct, publish and disseminate a risk assessment within three months of operation to further assess potential impacts and better identify potential mitigation options.

13. Hawaii Superferry shall post signage at all harbors about invasive species. Specific information about invasive species shall be disseminated during the ticketing process on Hawaii Superferry's website. Said signage and information shall have been reviewed and approved by a representative of the Maui Invasive Species Committee.

Protection of Customary Native Hawaiian Practices

14. Passengers, upon checking in at a harbor, shall declare whether they intend to camp at any destination island. Hawaii Superferry shall disseminate to all passengers who have declared their intent to camp written rules and procedures for camping on the destination island.

15. Passengers shall only camp at Federal, State and County campgrounds at destination islands, and then only if they can demonstrate upon checking in that they have obtained in advance permits to camp at those campgrounds.

16. Passengers shall not be permitted to transport to another island cultural or natural resources or products from the ocean, from the shoreline or from the inlands of another island, unless they can demonstrate through a written receipt that they have purchased these items from a legitimate commercial establishment.

17. Should Hawaii Superferry, through the inspection process, discover an attempt to transport natural resources to another island, this transport shall be disallowed and Hawaii Superferry shall immediately notify local DLNR DOCAR officials.

Agricultural Inspections

18. There shall be two (2) qualified Department of Agriculture agricultural inspectors present and participating in agricultural inspections at all times of embarkation and disembarkation at each port. The DOA inspectors shall supervise all HSF screenings.

19. Hawaii Superferry, as an impact fee, shall pay all costs of the agricultural inspectors required in the foregoing paragraph.

20. The State Department of Transportation, in conjunction with the Governor, the State Legislature, and the Department of Agriculture shall forthwith allocate positions and funds for the additional agricultural positions necessary to staff the inspection personnel set forth in paragraph 18 above.

Bond Required

21. Hawaii Superferry shall post a bond in the amount of \$40,000,000.00 to reimburse the State for the balance of the funds due, in the event that the Hawaii Superferry does not operate or refuses to follow the mitigation measures required by the EIS.

Permission to Operate Applies Only to the Alakai

22. The permission to operate in this Bill is limited solely to the operation of the Alakai and shall not extend to any other vessel or vessels operated by Hawaii Superferry. The "no action" provisions of Chapter 343 shall be fully applicable to all other Superferry vessels, except for the Alakai.

Time Limits

23. Hawaii Superferry shall not be able to utilize the lack of a time deadline in HRS Chapter 343 for the completion of the EIS as a means to keep operating for whatever period of time it may take to prepare an EIS. The Alakai shall not be entitled to operate after the expiration of the last day of the fifteenth (15th) month after the date of the adoption of this legislation.

24. These conditions of operation shall, however, be applicable to any and all Hawaii Superferries irrespective of whether they operate before or after the preparation of the EIS.

Verification of Compliance

25. Designated representatives of Plaintiff groups shall be entitled to verify Hawaii Department of Transportation's and Hawaii Superferry's compliance with all of the foregoing.

26. In order to accomplish the foregoing, the designated representatives of Plaintiffs in Sierra Club et al. v. HDOT, Civil No. 05-1-0114(3) shall be granted access to all State lands granted at all ports to Hawaii Superferry for its operations.

Enforcement of Conditions

27. The foregoing conditions of operation may be enforced by the Attorney General of the State of Hawaii and by Plaintiffs in Sierra Club et al. v. HDOT, Civil No. 05-1-0114(3).

28. These conditions may be enforced in any Circuit Court in the State of Hawaii and the prevailing party shall be entitled to the reimbursement of reasonable attorney's fees and costs.

29. An allowable remedy in any such enforcement action shall be the cessation of operations by Hawaii Superferry until and unless compliance is achieved with the foregoing conditions.

testimony

From: moses mattos [mattosm002@hawaii.rr.com]
Sent: Wednesday, October 24, 2007 8:11 AM
To: testimony
Subject: Fwd: Super-Ferry

Begin forwarded message:

From: moses mattos <mattosm002@hawaii.rr.com>
Date: October 24, 2007 8:05:33 AM HST
To: HouseRecord@Capital.Hawaii.Gov
Subject: Super-Ferry

ATTN: House Committee on Transportation and House Committee on Finance

DATE: Thursday, October 25, 2007

TIME: 9:00 a.m. Auditorium, State Capitol

HB 1 RELATING TO TRANSPORTATION

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.

Dear Chairs Souki and Oshiro:

My name is *Candie Mattos* and we, Husband and I strongly support Hawaii Super-ferry.

We feel Hawaii needs another mode of transportation and the Super-Ferry would be just what is needed to offer another choice. If Hawaii was to have a catastrophic event, the Super-Ferry could be an instrumental way of transporting people. Due to lack of Hospitals and Physicians the outer islands are without or settle for less because there is no other choice. With Super-Ferry it would allow citizens of outer islands availability and a choice to go get "Another opinion". Or get their operation at Queens or Kapiolani Children's Hospital.

Another important fact is that the Super-Ferry would close the gap so to speak with the isolation these islands have had for so very long. The Super-Ferry would bridge the islands so that many are able to visit; work; and the like more often.

Addressing the invasive species problem, how is it done with Matson, the Big Ships Etc. We are already allowing Huge Ships in our Waters and Harbor on Maui. I don't understand why the Super-Ferry is so different.

As long as Super-Ferry is compliant with all of the items in the proposed bill (that is a lot), I think they should be allowed to at least try to make it work.

It appears that many people are addressing their frustrations by taking it out on the Super-Ferry, these island have all been compromised and will continue to be compromised. On Maui we are constantly be threatened with our water issue but they keep building Sub divisions and Golf Courses.

Myself and my Husband both support the Super-Ferry and we are requesting that the bill be passed and Super-Ferry just be give a chance. Hoping for closure and PEACE regarding another mode of transportation for the good people of Hawaii.

Mahalo Nui for your time and attention.

Candie and Moses Mattos

1470 Honoapiilani

Wailuku, HI 96793

808 357-1914

Francine Aona Kenyon

dba KULI'IKE KOKUA

2520 Jasmine Street

Honolulu, HI 96816

fkennyon09@sprintpcs.com

Thursday, October 25, 2007 at 9:00 am
Auditorium

**TESTIMONY ON SECOND SPECIAL SESSION
FOR THE PROPOSED SUPERFERRY BILL
TO
HOUSE COMMITTEE ON TRANSPORTATION AND HOUSE COMMITTEE ON FINANCE**

Aloha Nui Loa, Rep. Joseph Souki, Rep. Scott Nishimoto, Rep. Maus Oshiro, and Rep. Marilyn Lee
And Members of House Committee on Transportation and on Finance.

My name is Francine Mae Lehuanani Aona Kenyon and I am a long-time deaf advocate and volunteer consultant for deaf, hard-of-hearing, and deaf-blind people of the State of Hawaii with many different hats.

I strongly and firmly support this special bill that 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; and establishes a Hawaii Inter-Island Ferry Oversight Task Force.

Please do allow the operation of Superferry in the state of Hawaii while an environmental impact statement is being conducted, ensuring the adequate protection of the environment because of three important reasons: (1) travel accessibility and comfort for people with disabilities; (2) strong business and marketing economy; and (3) tourism industry.

I myself am a frequent flyer and love traveling ever since I was little. The major problem is causing ear infection, affecting the loss of hearing because of air pressures upon landing on the ground and having difficulty of getting out of the seat and walking to the lavatory.

When I heard about Superferry coming to Hawaii, I was so excited that a transportation alternative would soon be available for travelers with disabilities. I attended a special focus meeting with the Superferry staff to hear about their plan and to express my comments and concerns for travelers with disabilities and limited mobility. By the time when Superferry finally arrived on the island, I am excited and ready to go to other island on Superferry, but, unfortunately, when I heard the news about the environment protection people blocking and stopping the operation of Superferry. I was very disappointed for the lack of their understanding and insensitivity toward travelers with disabilities. Thus, a special tour of Superferry on dock was provided for us individuals with disabilities. We were all amazed by how accessible and comfortable the ship was because there

are many benefits for travelers with or without disabilities on Superferry that airlines don't provide as follows.

- (1) To watch the TVs with closed captions for deaf and hard-of-hearing travelers. Airlines don't provide captioned movies for deaf and hard-of-hearing travelers.
- (2) To travel comfortably and easily on the wider aisles while traveling with manual or motorized wheelchairs, with walkers or canes, and even with the electric scooters. Airlines don't have wider aisles to allow them to go anywhere with easy maneuvers.
- (3) To shop around at the gift shop on Superferry. Airlines don't have anything for us travelers to enjoy shopping while flying but reading and listening to music.
- (4) To play the games in the special game room on Superferry. Airlines don't have enough room for young people or adults to play the games while seating with small trays.
- (5) To buy the snacks from the snack bars, surprisingly even with the menus in brailles. Airlines don't provide the menus with brailles for those with visual impairments.
- (6) To play with children in a small playground on Superferry. Airlines don't provide such a thing for children while flying. How restless they were while flying, you know? Children need to walk back and forth on the aisles but when it comes to bad turbulence, can you imagine how fussy children can be when taken back to seat during the turbulence?? I am thinking of buying my own electric scooter so I can go around on Superferry to shopping at the gift shop, getting something from the snack bar, playing the games, or even lying down and lifting my legs while relaxing on the couches!! What an amazing ship Superferry is to provide more comfort and ease for travelers with mobility problems and even with medical equipment.
- (7) To bring own vehicle, carrying electric scooters, wheelchairs, medical equipments, and luggages in the trunk without any headache. Airports do not provide the driving carts to carry the luggages and the medical equipments for those travelers with disabilities like in O'Hare International Airport, only the porters transporting travelers with wheelchair from the gate to the plane or from the plane to baggage claim and to drop-off site. Can you imagine or have seen the travelers with disabilities holding so many stuff on their laps with discomfort while being transported by porters to the baggage claim from the plane? Not only airports but also the rental cars do not provide any cars or vans that are accessible for drivers with motorized wheelchairs.
- (8) To bring the teams or the children to schools on other islands as the cheapest way for schools to save more money on Superferry than on airlines.

I strongly believe that Superferry will build a strong, boosting economy for the State of Hawaii, giving more opportunities to travelers with or without disabilities. If my deaf friends come down to Hawaii, I would take them with my own car on Superferry to other islands and give them the best tour in sign language!

In conclusion, I strongly urge you to pass this important bill to allow the operation of Superferry while doing environment assessment, allowing more travelers with disabilities to travel from one island to another with more comfort, ease of mobility, and relaxation.

Mahalo for allowing me to testify on this important bill.

Sincerely,

Francine Aona Kenyon
Deaf Advocate & Consultant

Bobby Joe Harris, Jr.

1560 Haka Dr, Apt. 1402

Honolulu, HI 96817

bobbyjoe60@hotmail.com

Thursday, October 25, 2007 at 9:00 am
Auditorium

**TESTIMONY
TO
HOUSE COMMITTEE ON TRANSPORTATION AND HOUSE COMMITTEE ON
FINANCE**

Aloha Nui Loa, Rep. Joseph Souki, Rep. Scott Nishimoto, Rep. Maus Oshiro, and Rep. Marilyn Lee And Members of House Committee on Transportation and on Finance.

My name is Bobby Joe Harris Jr. I am a local resident of Oahu and am hard-of-hearing.

I am in a full support the FULL operation of the Hawaii Superferry on the day I got a glimpse of the ship from a distance. I took the tour on board with some of my friends. As we boarded the Superferry, I was in awe of its size and layout of the ship. I must tell you that by means to bring to your attention that this Superferry is the best ship I ever was on aboard for the special tour. This Superferry really beats the airlines" seating of the men and womens restrooms that are not handicap accessible for wheelchairs. Only the Superferry has the capabilities to provide this wide room in accessible restrooms for wheelchair users in both and along the aisles on the port side and starboard side of the boat and it is an essential for our tourists who want to go on Superferry to go to other island in wheelchair since airlines cant accomodate for them.. and it would boost the economy of Hawaii and make it run smoothly.

I have worked on the ships with American Hawaii cruises and we had accessibility for disabled travelers who came aboard our ships while I was a crew member at that time. So what is the different between these cruises and Superferry? What is wrong with the environment protection people who seem not caring about the special needs of people with disabilities?? I am sorry to say that I disagreed with them about stopping Superferry from the operation. These people SHOULD allow the operation of Superferry while the environment assessment is being conducted. Just remember that the airlines are not big enough for those people using the wheelchairs so Superferry would be perfect for them!

I believe that the Superferry will bring more business to Hawaii. I would love to drive my car into Superferry to go to other island and enjoy traveling around the island in my own car. I must admit that Hawaii does not have a strong economy. Superferry will be able to transport the team in a school bus to other island which is cheaper than in airlines which are good for just one individual.

Thank you for you allowing me an opportunity to testify in support of Superferry so please consider this a very important transportation alternative for people with disabilities who cannot possibly use the airlines.

Sincerely,

Bobby Harris

testimony

From: Ann Freed
Sent: Wednesday, October 24, 2007 8:17 AM
To: Public Access Room
Cc: testimony
Subject: FW: Testimony

Aloha,

Don't know if you folks are doing this for interim,

But just in case here's some testimony on Superferry for print and distribution.

Mahalo Nui,

Ann S. Freed
Legislative Aide to
Senator Rosalyn Baker

808-586-6933

From: Richard Fairclo [mailto:rfair7@earthlink.net]
Sent: Tuesday, October 23, 2007 6:09 PM
To: testimony
Subject: Testimony

Please make appropriate copies of this, my Testimony for Hearing on the Superferry bill:

DATE: Wednesday, October 24, 2007

TIME: 10:30 a.m.

PLACE: Auditorium, State Capitol, 415 South Beretania Street

Aloha Senators.

1. I support the amendment proposed by Mr. Tanaka, as set forth below.

Enforcement is woefully inadequate on Maui and other neighbor islands; the marine resources and tourist playgrounds are taking a beating because of it.

The amendment will allow the state to demonstrate to lawbreakers a likelihood of random searches; this will allow for good leverage of enforcement resources.

2. In addition, it is requested that additional enforcement officers be assigned to Maui, as part of this bill.

3. Additionally, it is noted that the Governor and Administration dropped the ball on this important law to protect our quality of life and the health of the marine environment.

10/24/2007

Please require the Governor to submit formal request to the federal Environmental Protection Agency and Department of Commerce to prohibit dumping of vessel sewage within the boundaries of the Humpback Whale National Marine Sanctuary.

This would be consistent with HCR 58 passed by the Hawaii Legislature during your last regular session.

Unfortunately, Governor and administration failed and refuse to fill out necessary paperwork to implement the Resolution. Now is an excellent time to implement HCR 58 and for the Governor to convince the Senate of her intention regarding protecting the environment.

Thank you for your consideration.

Richard Fairclo
33 Lokelau PL
Haiku, HI 96708
808-572-3509

Mr. Tanaka's proposed amendment:

15)... "The governor shall also consider establishing conditions and protocols such as allowing department of agriculture inspectors and department of land and natural resources conservation and resources enforcement personnel to search any vehicle, baggage, container or carry-on item, without probable cause while said items are within parking lots, staging areas, docks, cargo hold, cabin or any area belonging to or pertaining to a large capacity ferry vessel company, as the department head of each county deems necessary and appropriate."....

Richard Fairclo
33 Lokelau PL
Haiku, HI 96708
808-572-3509

access2

From: Judith Michaels [jmichaelsmaui@gmail.com]
Sent: Tuesday, October 23, 2007 10:57 PM
To: testimony
Subject: Hawaii Superferry Special Session

Relating to SB 1 Relating to Transportation

Requiring an Environmental Impact Statement, oversight Task force , etc.

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Judith Michaels
96 Makena RD, Kihei, Maui, HI 93753

Tel: 808 879-9341

Email: jmichaelsmaui@gmail.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

My Position: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing The Superferry to operate.

If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Superferry Testimony – Given on October 22, 2007, Maui, Hawaii

I oppose the operation of the Hawaii Superferry during the time it takes to prepare an EA or EIS. The Judicial system has ruled and I beg you to honor the rulings of the court. Do not create a Special Bill benefiting a single business, depriving us of our Constitutional rights and violating the separation of powers by overruling a judicial decision.

Some who speak today may ask you to add conditions to any bill you might craft...I ask you to say NO to the Governor and this Bill...Instead start educating the people.

Senator Hanabusa, as President of the Senate, I suggest you ask all the local television stations to give you ten minutes or fifteen minutes to address the state and especially the people of Oahu to educate them to the potential for irreparable harm that the operation of the Superferry will have on the neighbor Islands.

The Hawaii Superferry folks have spent hundreds of thousands of dollars on their PR campaign and we see the Governor on television all the time telling us how good the Superferry will be. But what about you Legislators, why are you not out there educating the public as to the problems the Superferry will bring.

When a group of us were in Honolulu last week, we spoke with one Senator who said she had received over 6000 emails from Oahu residents and almost all of them supported the SF, "and they don't even read the newspapers" she said. That's the problem. Another Oahu Senator told us that whenever he spoke to anyone who supported the SF and educated them to the concerns of the folks on Maui or Kauai, they always changed their position agreeing that YES the SF should complete the EA ...every one of them, he said. So we need to educate the public.

Just because folks say they want the SF, regardless of the negative impacts on neighbor islands, doesn't make it right. You the legislators are elected to protect the public and to educate them when you know that what is being asked is potentially very harmful. Educate!

It is important that the public be **educated** to the fact that the court listened to 22 days of expert testimony before ruling that the operation of the SF could result in irreparable harm to our marine life and to the environment of our rural community.

Sadly, we humans unwittingly or uncaringly seem hell-bent on destroying the very essence of that which we love so dearly about Hawaii. Some seem to have forgotten that

everything we are or have is part of the environment...our shelter, our food, our water, our air, and of course in Hawaii the environment is our economy.

So I ask you today: What have you done in the past few weeks to educate the public so they can better understand the judicial ruling? Have you explained why it is important for the separation of powers in the Government? What have you done to educate yourselves: Have you toured Kahului Harbor in the middle of the day to see how over crowded it is? Have you gone to the island of Hawaii to hear the deafening sounds of coqui frogs? Do you know about the tiny fire ant and how devastating it will be to our economy if it spreads thru out the islands?

Are you more interested in protecting one unproven start-up business than in protecting the environment of our islands?

As legislators, you have to take responsibility for protecting us. You are not protecting us by writing a bill that completely circumvents the Constitution.

Judith Michaels
96 Makena Rd.
Kihei, HI 96753
(808) 879-9341
jmichaelsmaui@gmail.com

--
Judith

testimony

From: Jeff Sacher [jsacher@kona.net]
Sent: Wednesday, October 24, 2007 8:19 AM
To: testimony
Subject: SB 1 - Transpor

Relating to SB 1 - Transportation

Requiring an Environmental Impact Statement and oversight Task force for Hawaii Superferry

DATE: Wednesday, October 24, 2007
TIME: 10:30am
PLACE: Auditorium

Please distribute 35 copies to the Senators.

FROM: Jeff Sacher
P.O. Box 44910
Kamuela, HI 96743

Dear Senators:

Please consider the following before making your decision as to whether or not Hawaii Superferry should be required to prepare an EIS prior to the commencement of service:

- 1) Are the fares and schedules truly affordable and convenient for local families? Please do a quick cost comparison for a family of four as your basis.
- 2) Kaloko-Honokohau National Historical Park testified that an EIS should be done prior to Hawaii Superferry commencing service
- 3) 32.7 seconds per vehicle is what will be allowed for inspections using Hawaii Superferry's projection of 110 cars per sailing. Can a thorough inspection really be done in this period of time?
- 4) NOAA (National Oceanic and Atmospheric Association) recommends speeds no faster than 13 knots when whales are present.
- 5) The students of Kanu o ka 'Aina will be losing Kawaihae Harbor as their study site.
- 6) Traffic mitigations that should have been in place at Kahului Harbor prior to Hawaii Superferry starting service weren't put in place until DOT was ordered to do so by the Court. Had the judge not ordered this to happen, it is very likely that it would not have been done.
- 7) Do we want a company that chooses to disregard and circumvent our laws in order to

10/24/2007

operate their business?

8) Overturning the Courts' decisions will send the wrong message to everyone about the dependability of the laws in the state of Hawaii.

9) If Hawaii Superferry is allowed to operate while preparing an EIS, make certain stipulations are in place to help mitigate potential problems during this trial period.

10) Have you performed due diligence in order to know the facts so as not to base your decision on hearsay?

Mahalo,
Jeff Sacher
Kawaihae, Big Island

PLEASE SEE THE UNDERSCORED COMMENTS THAT HAS BEEN ADDED ON TO THIS TESTIMONY THAT WAS SUBMITTED BEFORE THE DEADLINE TODAY.

This is our second testimony in support of the Hawaii Superferry.

In behalf of our family—husband Lawrence Sousa, sister Mae Takamoto, and myself, there are other benefits that the Hawaii Superferry could offer.

Those protesting against the Hawaii Superferry do not realize that we could boost their respective island's economies. Why? Since we are able to transport our vehicles, motorcycles, camping gear, etc., we would travel to the neighbor islands (Kauai, Maui, and Oahu) instead of traveling to the mainland for the cost of traveling and vacationing *on these islands are more affordable than traveling to the mainland.* A concern might be raised about the possibility of less business for the rental car agencies. In researching the matter for the island of Hawaii with the car rental agency staff, those that come off the ship are renting the vehicles. They are swamped, so business there is not gloomy at all. Thus, our dollars are kept in the State of Hawaii versus the mainland. Did these protestors ever concern themselves with their children, grandchildren, and the generations to follow? What about emergency situations where the airports are shutdown?

For those who lived in the State of Hawaii for many years and are familiar with the "local ways", we, like many, are not "vocal" where we are able to testify in the presence of a large audience. As an example, many of our local families of the older generation were reared in households where we were taught not to cause attention to ourselves. Thus, it is difficult for many of the orientals and locals to attend hearings and testify. These are part of the "silent majority" who support the Hawaii Superferry, but are not accustomed to testifying and expressing their views vocally at hearings, etc. Should these individuals be penalized? Many, too, are computer illiterates and, thus, aren't aware that they could submit a short statement in the Hawaii Superferry support campaign. These silent majority are those who diligently go to polls on Election Day. If you check the voters listing, you will find that these are the local "silent" majority. And where are the "vocal" ones that are doing the protesting at this time on Election Day? Thus, it's the silent majority that are supporting you, the legislatures, so, as our representatives, please support fulfill our request by supporting the Hawaii Superferry.

So, please represent us majority by supporting the Hawaii Superferry effort. Please do not close the door on this wonderful opportunity for the residents of our isolated islands and state.

This testimony is for:

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

Testimony must be emailed OR faxed by Tuesday (10/23) at 10:30 a.m.

Contact: Emma Sousa (Mrs.)
1287 S. Kumuwaina Place
Hilo, HI 96720-2781
(808)959-3796
lesousa@hawaiiantel.net

From: Tom Daniel [tomdaniel@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 10:38 PM
To: testimony
Cc: Rep. Josh Green; Rep. Cindy Evans; Sen. Lorraine R. Inouye; Sen. Russell Kokubun;
Sen. Paul Whalen
Subject: Testimony Regarding the Hawaii Super Ferry



Super Ferry
omments.doc (37 K.

Sirs:

Please submit the testimony below (also attached as a MS Word document) to the Special Session of the Legislature that convenes on 24 October 2007. I presented the first part as written testimony at the hearing in Kona this evening, but the addendum is an important part of my testimony and I ask that it be included in the Special Session record.

Mahalo,

Tom Daniel
Kona

TO: testimony@capitol.hawaii.gov

SUBJECT: TESTIMONY Regarding the Hawaii SuperFerry.

Addressed to: Senate President Colleen Hanabusa, House Speaker Calvin Say and all Hawaii state legislators.

From: Thomas H. Daniel, Ph.D.
73-1036 Ahikawa Street
Kailua-Kona, HI 96740
Phone: 808-325-7323
Cell: 808-989-0171
E-mail: tomdaniel@hawaii.rr.com

Presented To: Neighbor Island Legislative Hearing on the Hawaii Superferry, Kealahou High School, October 23, 2007, 3:00PM

Testimony: My name is Tom Daniel. I have a PhD in oceanography from UH Manoa and I worked for the state for 21 years as technical director of the Natural Energy Laboratory of Hawaii at Keahole Point.

I think it would be great for Hawaii to have something like the super ferry, and I think that, if done properly, it could be an environmentally benign addition to our state's transportation system. I have worked on many projects which successfully provided needed services to the people of Hawaii while conforming to the environmental laws, and I believe that, with due diligence (and probably some extra expenditures), an inter-island ferry could be developed in conformance with those laws.

Although I understand that the super ferry raises legitimate concerns and I definitely recognize the need for delineation and study of the issues regarding vehicle traffic and invasive species proliferation, I don't have much expertise in these areas.

I have, however, worked for many years on various aspects, both military and civilian, of sonar and underwater sound, and I continue that work as a reviewer of advanced proposals for the National Defense Center of Excellence in the Ocean Sciences, located at Keahole

Point. I know from this work that, at the present state of the art, detection of marine mammals from a fast moving platform such as the super ferry cannot be done reliably and quickly enough to provide the information needed for collision avoidance maneuvers. I was, therefore, dismayed when super ferry proponents initially said that they would purchase a collision avoidance sonar that would eliminate the problem. It was clear to me, however, that the law required that they do an environmental assessment, which would clarify the issue and point out the need for either development of a new sonar system (which may or may not be possible) or development of some other means of avoiding collisions with humpbacks or other important marine organisms.

A well-done environmental assessment for this type of project might include, for example, a determination of the maximum speeds that would be allowed for given levels of detection capability. It's possible that avoidance maneuvers are not required for vessels moving less than some speed, though empirical evidence from previous collisions indicates that some type of detection and avoidance should probably be required for most large vessels. The fact that previous inter-island transportation systems have not been required to perform environmental assessments of this and other issues makes it all the more important that any new system, especially one which cites the advantages of its high speed vessels, must be required to perform the appropriate assessment.

Unfortunately, our Governor chose, over vocal objections from many citizens and legislators, to disregard the law and grant the super ferry an illegal exemption to the critical environmental laws that have been carefully developed over the past few decades to protect our environment. As required by the law, the Supreme Court has found the Governor's exemption to be illegal.

It is inappropriate to blame the super ferry promoters for the current situation. The blame rests squarely on Governor Lingle and her administration for granting the promoters a clearly illegal exemption to state law. As many of us pointed out several years ago, the development plan for the super ferry should have included at the very least an environmental assessment that would have allowed a legal determination of whether further steps were required to comply with HRS 343. Yes, it would have cost a significant amount, but that is part of the price of progress - a necessary and legally required contribution toward environmental preservation. If it had been factored into the cost of the project from the beginning, the developers might have had to accept a slightly smaller return on their investment, but it wouldn't have stopped the development any more than it has stopped any of the other successful businesses that have complied with Hawaii's environmental laws.

So, what do we do now?

Because I believe that the ferry system can probably be designed and constrained so as to make it environmentally acceptable, I think it would be unfortunate to allow the Governor's ill-considered action to kill the project completely. There is no question that the developers will bear an increased cost because of the delays caused by the Governor's actions, but I hope that the legislature can devise some ways to reduce that additional financial burden while allowing the project to proceed.

I hope that the legislature will find a solution to this impasse that will allow the super ferry project to proceed without endangering our environment. Constraints on operations, such as reduced speed, additional inspections and disinfections to ensure control of invasive species, and/or limitations on the number of vehicles allowed per trip should be developed which will allow environmentally safe operation during the period while the required environmental assessment is developed.

Whatever solution the legislature proposes - and any solution will be a compromise that may or may not be acceptable to the developer - it MUST NOT in any way weaken the environmental protections set forth in existing state and federal law. It must be made very clear that there can be NO exemptions to the law and that any concessions made to allow the super ferry to operate are one-time exceptions made to promote the near term public good in spite of the illegal actions of the Governor.

Addendum following discussion at the Kealakehe High School hearing:

Much of the impassioned testimony on both sides of this issue at tonight's hearing would have been unnecessary, negated or, at least, more factual IF the EA/EIS procedures of HRS 343 had been followed as they should have.

That process would have provided most of the factual information that people didn't have, eliminating many of the disagreements that surfaced at the meeting - or at least clarifying the nature of remaining disagreements.

Eloquent speakers presented many arguments on both sides of the issue that were based on mis-information and/or inaccurate data. The primary function of the EA/EIS process is collection of the relevant data to rationalize the discussion. Elimination of this necessary preparatory step dramatically diminishes the effectiveness and usefulness of discussions such as that I just attended for 4.5 hours.

It appears that the legislature will convene tomorrow morning to vote on the bill proposed by the Lingle administration and rubber-stamped with no substantive changes by the legislative attorneys. The proposed bill proposes a wholesale change to HRS 343 that will totally emasculate our environmental protection legislation. The legislature MUST NOT approve that bill, which would be a disaster for Hawaii and its people.

HRS 343 can certainly benefit from minor improvements, but the proposed legislation totally eviscerates the law and gives future administrations free license to do whatever they wish to improve the economy at the expense of the environment. This MUST NOT be allowed to happen.

I still believe that carefully crafted reform legislation could improve HRS 343 by clarifying requirements and enforcement procedures, and also allow the super ferry to proceed in some limited fashion while the appropriate EA/EIS is developed. As noted in testimony at tonight's hearing, the legislature will have to work diligently to craft such a bill so that it does not unfairly promote the interests of one commercial enterprise - the super ferry - but I believe that is possible.

I learned tonight, however, that the planned 5-day special session is not long enough to allow amendments to the bill that will be introduced in the morning. If that is indeed the case, the legislature has no choice other than to reject the bill.

Discussion with legislators and attorneys this evening indicated two possible avenues for alternative action:

1) The session could be extended to more than five days to allow sufficient time for adoption of amendments that might make the bill acceptable. This would exacerbate the valid public concern about the cost of the special session, but it might allow a workable compromise that would provide an environmentally acceptable way to allow the super ferry to begin operations.

It appears from the precedent of previous sessions and the State Constitution 003-0010 that the Governor can extend a special session (e.g., Cayetano, 1998). According to the Constitution 003-0010, a special session may be convened "at the written request of two-thirds of the members to which each house is entitled", so such a request would presumably be sufficient to allow extension of the proposed 5-day session.

2) A legislator could introduce a "blank" or generic bill at the beginning of tomorrow's session that could be pursued in parallel with the Governor's unacceptable bill and "fleshed out" during the 5 days of the session to provide an acceptable alternative. This is a standard procedure for many bills in regular legislative sessions, and might work in the present situation.

I am not an attorney or constitutional expert, so I'm not sure whether either of these alternatives is viable under HRS and/or the Hawaii constitution. If either is viable, I encourage legislators to pursue it vigorously as the only means to save the super ferry and our environmental protection laws at the same time.

If these alternatives are unworkable, I urge legislators to follow the suggestion of other testifiers at tonight's hearing and adjourn the special session as soon as it opens. The Lingle-proposed legislation must not be passed, and there is no point in discussing it if amendments are not possible.

access2

From: shannon rudolph [shannonkona@gmail.com]
Sent: Tuesday, October 23, 2007 10:34 PM
To: testimony
Subject: Fwd: TESTIMONY AGAINST SUPERFERRY

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

**FROM: Shannon Rudolph
P.O. 243
Holualoa, Hi. 96725
808-322-6604
shannonkona@gmail.com**

10/24/2007

Aloha Senators,

Neighbor Islanders know that we are sadly out-numbered by O'ahu legislators; its not a very fair system in cases like this but it has always been this way.

We know we will pour our hearts out to you for justice and you will pass the superferry bill. No one is fooled, here. Its like Honolulu is "The Kremlin" and the Neighbor Islands are Outer Booniestan.

To me, this debacle mostly comes down to how this company got special treatment, which SHOULD be investigated. How can a company and our highest officials be allowed to break our laws, ignore our judges, and now make our legislators accomplices to their crimes? How was this allowed to happen? How can you LET it happen?

All neighbor island infrastructure is maxed out, suffering from decades of neglect by the state. We know we can not handle the additional influx; we know exactly what to expect if you pass this bill.... more traffic, more crime, more homelessness, more over-burdened infrastructure, no rental housing, road rage, and dead whales. Thanks a bunch.

I want to make sure you know of a couple of the things you and your constituents will be getting in return... (I thought about putting "fire ants" on your chairs but didn't want you to call the coast guard on me!)

Very sorry to say it, but like the fools who brought in the mongoose to kill the rat; this legislature will be remembered and cursed for bringing the tiny Coqui frog to O'ahu, and MOST OF ALL, for unleashing the very real possibility of spreading deadly radioactive uranium dust, statewide, by transporting contaminated Strykers on the ferry... you can't see it, you can't taste it, you can't smell it... but its there. (how do you "wash off" DU?)

Mahalo,
Shannon Rudolph
P.O. 243 Holualoa, Hi. 96725

Submitted in addition to my testimony, please include:

WHY I VOTE NO ON THE SUPERFERRY BILL (AND DO NOT SUPPORT A SPECIAL SESSION)

- It overturns the unanimous Hawaii Supreme Court decision.
- It overturns Judge Cardoza's decision indicating potential irreparable harm; he heard 22 days of testimony.
- It leaves it to Governor Lingle to create the superferry's operating conditions, BUT - It offers NO specific protections for marine animals.
 - It creates NO specific safeguards to protect each island from invasive alien species.
 - It makes NO provision to mitigate traffic and harbor congestion.
 - It neglects to protect residents from inter-island crime and drug shipments.
 - It leaves us vulnerable to theft of natural and cultural resources.

(Unfortunately, to-date Governor Lingle has frustrated all efforts to get any mitigation measures.)

- It allows the superferry to operate free of HRS 343, the Environmental Protection Act.**
- It sets up a potentially stacked, 13 month "oversight committee" with NO enforcement capability.**
- It denies the County any ability to regulate the superferry.**
- It sets a precedent that our courts may be over-ruled by legislators meeting in a "special session" while the public is given only 2 minutes to comment.**

.....

I DO NOT SUPPORT A SPECIAL SESSION TO PASS THE SUPERFERRY BILL.

IF YOU PASS THIS BILL I ASK THAT YOU INCLUDE MAUI TOMORROW'S 29 CONDITIONS. And I would like to add, NO RADIOACTIVE STRYKERS ON THE FERRY!

**Superferry Operating Conditions
Submitted to the Legislature on Behalf of Maui Tomorrow**

We strongly oppose operation of Hawaii Superferry during the time it takes to prepare an EA or an EIS. Such operations violate unambiguous Hawai'i law. Maui Circuit Court Judge Joseph E. Cardoza correctly found that such operations caused the possibility of irreparable harm to marine mammals and an increased rate of alien species introductions.

Evidence received during the hearings made it obvious that the Hawaii Superferry project "may" have a significant effect on the environment and, as such, a full EIS is required. Legislative recognition of this inevitability is no real concession to environmentalists.

We urge the Legislature not to pass this unconstitutional special legislation benefiting a single business, depriving us of vested Constitutional rights and violating the separation of powers by overruling a judicial decision.

If the Legislature has already decided (a) to convene a special session and (b) to allow Hawaii Superferry to operate while an EA or EIS is being prepared, it would be irresponsible of us to abandon the protection of the environment to the same administration that has been dedicated for many years to minimizing legitimate concerns about the Superferry project.

We are compelled to recommend conditions of operation to be imposed by the Legislature, not because we agree that the Superferry can operate (we do not) or because we agree with the proposed legislation or its purposes (we do not), but because it is now necessary to protect Hawai'i from the impacts of the improvident actions of the Lingle Administration and the Legislature if they were to allow the Hawaii Superferry to operate, even after a month long trial amply demonstrated that this would be unlawful and would cause irreparable harm in multiple fashions.

Based on one month of daily testimony from highly qualified experts, the consensus of prevailing expert opinion was that the following mitigation measures are absolutely required to minimize to some responsible degree the possibility of irreparable harm caused by Hawaii Superferry operations during the time it takes to prepare an EA or EIS:

CONDITIONS OF OPERATION

Protection on Marine Mammals and Turtles

- 1. Hawaii Superferry vessels shall travel in routes that are in waters that are in excess of 1000 fathoms.**
- 2. If Hawaii Superferry vessels travel in a route that is in any part in waters less than 1000 fathoms, its vessels shall travel at the NOAA recommended speed of no more than 13 knots. The 13 knot limitation shall be inclusive of the first 10 miles of exists and entrances to Honolulu, Kahului and Nawiliwili harbors. At all times, regardless of fathom depth, the ferry shall travel at lesser speeds than provided above as determined by the Captain to provide safe passage to passengers and to minimize strikes of whales.**
- 3. Should a Hawaii Superferry vessel strike a marine mammal, a written report of such strike shall be immediately transmitted to NOAA and any other agencies responsible for monitoring and regulating strikes.**
- 4. Hawaii Superferry shall immediately apply for and receive from NOAA an incidental take permit and in engage in Section 7 consultation with NOAA regarding the impacts of its ferry operations on protected marine mammals.**

Protection Against Introduction of Alien Species

- 5. Hawaii Superferry shall conduct thorough undercarriage washes of all vehicles during embarkation at all ports to help dislodge seeds, insects, and animals. Such undercarriage wash systems shall include appropriate debris traps and filters.**
- 6. Hawaii Superferry shall utilize sufficient vacuum stations to vacuum the floors of all vehicles during embarkation. An Appropriate filter system to trap and contain all debris shall be employed.**
- 7. Hawaii Superferry shall not permit the transport of plants or plant propagative materials.**
- 8. Hawaii Superferry shall secure and pay for all costs to have a dog handler team present at all harbors to conduct inspections of all vehicles at the time of embarkation. These dogs will be utilized to prevent the inter-island transmission primarily of invasive species and secondarily, of drugs.**
- 9. Hawaii Superferry shall inspect (a) the trunks of all cars, (b) the beds of all pickup trucks, © the engine compartments of all vehicles and (d) the interiors of all vehicles, items such as coolers, boxes, trunks and luggage shall be opened and**

inspected.

10. agricultural inspections shall not be conducted on a random basis. Every vehicle and passenger shall be inspected or screened.
11. Hawaii Superferry shall not permit the transport of fishing nets.
12. Hawaii Superferry shall conduct, publish and disseminate a risk assessment within three months of operation to further assess potential impacts and better identify potential mitigation options.
13. Hawaii Superferry shall post signage at all harbors about invasive species, Specific information about invasive species shall be disseminated during the ticketing process on Hawaii Superferry's website. Said signage and information shall have been reviewed and approved by a representative of the Maui Invasive Species Committee.

Protection of Customary Native Hawaiian Practices

14. Passengers, upon checking in at a harbor, shall declare whether they intend to camp at any destination island. Hawaii Superferry shall disseminate to all passengers who have declared their intent to camp written rules and procedures for camping on the destination island.
15. Passengers shall only camp at Federal, State and County campgrounds at destination islands, and then only if they can demonstrate upon checking in that they have obtained in advance permits to camp at those campgrounds.
16. Passengers shall not be permitted to transport to another island cultural or natural resources or products from the ocean, from the shoreline or from the inlands of another island, unless the can demonstrate through a written receipt that the have purchased these items from a legitimate commercial establishment.
17. Should Hawaii Superferry, through the inspection process, discover an attempt to transport natural resources to another island, this transport shall be disallowed and Hawaii Superferry shall immediately notify local DLNR DOCAR officials.

Agricultural Inspections

18. There shall be two (2) qualified Department of Agriculture agricultural inspectors present and participating in agricultural inspections at all times of embarkation and disembarkation at each port. The DOA inspectors shall supervise all HSF screeners.
19. Hawaii Superferry , as an impact fee, shall pa all costs of the agricultural inspectors required in the foregoing paragraph.
20. The State Department of Transportation, in conjunction with the Governor, the State Legislature, and the Department of Agriculture shall forthwith allocate positions and funds for the additional agricultural positions necessary to staff the

inspection personnel set forth in paragraph 18 above.

21. Hawaii Superferry shall post a bond in the amount of \$40,000,000.00 to reimburse the State for the balance of the funds due, in the event that the Hawaii Superferry does not operate or refuses to follow mitigation measures required by the EIS.

Permission to Operate Applies Only to the Alakai

22. The permission to operate in this Bill is limited solely to the operation of the Alakai and shall not extend to any other vessel or vessels operated by Hawaii Superferry. The "no action" provisions of Chapter 343 shall be fully applicable to all other Superferry vessels, except for the Alakai.

Time Limits

23. Hawaii Superferry shall not be able to utilize the lack of a time deadline in HRS Chapter 343 for the completion of the EIS as a means to keep operating for whatever period of time it may take to prepare an EIS. The Alakai shall not be entitled to operate after the expiration of the last day of the fifteenth (15th) month after the date of the adoption of this legislation.
24. These conditions of operation shall, however, be applicable to any and all Hawaii Superferries irrespective of whether they operate before or after the preparation of the EIS.

Verification of Compliance

25. Designated representatives of Plaintiff groups shall be entitled to verify Hawaii Department of Transportation's and Hawaii Superferry's compliance with all the foregoing.
26. In order to accomplish the foregoing, the designated representatives of Plaintiffs in *Sierra Club et. al. v. HDOT: Civil No. 05-1-0114(3)* shall be granted access to all State lands granted at all ports to Hawaii Superferry for its operations

Enforcement of Conditions

27. The foregoing conditions of operation may be enforced by the Attorney General of the State of Hawai'i and by Plaintiffs in *Sierra Club et .al. v. HDOT: Civil No. 05-1-0114(3)*.
28. These conditions may be enforced in any Circuit Court in the State of Hawaii and the prevailing party shall be entitled to the reimbursement of reasonable attorney's fees and costs.
29. An allowable remedy in any such enforcement action shall be the cessation of Hawaii Superferry operations until and unless compliance is achieved with the foregoing conditions.

testimony

From: Katherine Cleveland [Askoyll@aol.com]
Sent: Wednesday, October 24, 2007 8:31 AM
To: testimony
Subject: Please Uphold Our Environmental Laws

Aloha Legislators

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws. This corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

Here are some of the reasons I feel so strongly about upholding Hawaii's current environmental laws:

- Hawai'i's EIS law should be upheld because it provides a crucial layer of protection for Hawai'i's irreplaceable natural and cultural beauty.
- The proposed legislation to exempt the Superferry from its obligations under the law is overbroad. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books. Proposed conditions on the operation of the Superferry fail to address to legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment.
- Public participation is essential to a well-functioning democracy! Hawai'i's EIS law provides a rare opportunity for public hearings. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.
- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which all businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly.
- Strong protection of public trust natural and cultural resources depend on upholding the law. Laws that are not upheld or enforced are shibai and useless!
- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete environmental review will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption now will not.

Katherine Cleveland
354 Lama Place
Kailua, HI 96734

testimony

From: Colleen Soares [cosoares@yahoo.com]
Sent: Wednesday, October 24, 2007 8:10 AM
To: testimony
Subject: Please Uphold Our Environmental Laws

Aloha Legislators

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws. This corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

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- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.
- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which all businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly.
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Colleen Soares
HPU
3518 Kaau St. 1A
3518 Kaau St.
Honolulu, HI 96816

In behalf of our family—husband Lawrence Sousa, sister Mae Takamoto, and myself, there are other benefits that the Hawaii Superferry could offer.

For those who lived in the State of Hawaii for many years and are familiar with the “local ways”, we, like many, are not “vocal” where we are able to testify in the presence of a large audience. As an example, many of our local families of the older generation were reared in households where we were taught not to cause attention to ourselves. Thus, it is difficult for many of the orientals and locals to attend hearings and testify. These are part of the “silent majority” who support the Hawaii Superferry, but are not accustomed to testifying and expressing their views vocally at hearings, etc. Should these individuals be penalized? Many, too, are computer illiterates and, thus, aren’t aware that they could submit a short statement in the Hawaii Superferry support campaign.

With respect to the above paragraph, I’d like to make a few comments:

- a. The main reason the “silent” majority, including many “locals” and “older generation”, do not openly testify at the hearings is fear of being victimized for supporting the Hawaii Superferry. You may feel that my statement is outlandish. However, as an example, when a survey was conducted to determine the future of Ka’u, many of those surveyed were afraid to openly support development, because they were harassed/victimized when expressing their views by the “environmentalists, protestors, etc.” Many do not want to attend the hearing for fear that their vehicles would be vandalized or they would be targeted in the future for harassment, because they support the Hawaii Superferry. The United State of America citizens have “freedom of speech”, but are those who speak openly protected from being harmfully victimized? Let’s be realistic here.....no, we are NOT protected.
- b. Most importantly, although redundant for I mentioned this earlier, these “silent” majority (like three of us) are the ones that diligently vote on Election Day. Think about what kinds of people that are protesting? Are they the everyday citizens who contribute to the community? In emergencies, are these individuals there to lend support? Are they the ones that go to the polls on Election Day? Do you really think that these “protestors” care about what lies in the future that will affect generations after generations? I am speaking in terms of employment opportunities, housing, etc., in summary, how will future generations survive? Well, the “silent” majority are concerned about Hawaii’s future. If the Hawaii Superferry leaves our state at this moment in time, Hawaii’s economy and future is DOOMED.

So, please represent us majority by supporting the Hawaii Superferry effort. Please do not close the door on this wonderful opportunity for the residents of our isolated islands and state.

This testimony is for:

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

Testimony must be emailed OR faxed by Tuesday (10/23) at 10:30 a.m.

Contact: Emma Sousa (Mrs.)
1287 S. Kumuwaina Place
Hilo, HI 96720-2781
(808)959-3796
lesousa@hawaiiantel.net

access2

From: Mijares [scottmijares@yahoo.com]
Sent: Tuesday, October 23, 2007 9:48 PM
To: testimony
Subject: Superferry Testimony - Kauai resident traveling to Oahu to testify

Aloha,

My name is Scott Mijares and I am a resident of Kilauea, Hawaii on the island of Kauai. I would like to submit my written testimony to the Senate and follow up with verbal testimony on Wednesday, October 24, 2007.

I will be traveling in the morning and won't arrive at the Capitol until after 10:00 am. I am concerned that I will not be given a chance to testify if I cannot get my name on the list early enough. Will there be any consideration given to citizens like myself? If possible, please put me on the list of those wishing to testify. Mahalo. Scott Mijares

Hawaii Superferry Testimony
Please forward to:

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

DATE: Wednesday, October 24, 2007
TIME: 10:30 a.m.
PLACE: Auditorium State Capitol
415 South Beretania Street

Mijares' Testimony

I would like to address the issue of Lawsuits and litigation.

There seems to be a concern that if our State Legislator decides to uphold the law that is currently in place, Hawaii will be open to tremendous exposure to a lawsuit by the Superferry Corporation. I believe this is just another misstatement that is being circulated around to intimidate you.

10/24/2007

So lets look at that for a moment. Assume for the moment the Superferry decides to bring action against the state and / or the Lingle Administration.

They will have present their case to a Hawaii judge and prove why the State Supreme Court was wrong in their decision to invalidate the exemption to HRS 343 granted to them by the DOT.

They will have to prove why they should be allowed to operate their high-speed ferry in Hawaii, AKA the Endangered Species Capital of the World, without first preparing an environmental impact statement.

They will have to successfully argue to the court that after 4 weeks of expert testimony, Judge Cardoza was wrong in his opinion where he stated that allowing the Superferry to operate while an EIS is being conducted would present a significant chance of irreparable harm to the environment.

Even if Superferry attorneys are successful in proving their case they will have to prove damages.

The question then becomes, what are their damages? John Lehman, Superferry's largest investor, was quoted in the Honolulu Advertiser just last week saying "the ship is very much sought after" and " there is nothing like it in the world".

We also must not forget that the Hawaii Superferry Corp. signed a contract with Austal (the ship builder) to build 2 Superferry vessels in January 2004. This was a full 6 months before they even made application to the PUC for a Certificate of Public Convenience and Necessity.

How can they prove to a court that the actions of the state have created any losses if they were gambling on approvals that have not been granted?

This issue is not just about the environment any longer. It is about public confidence in the rule of law. It is not just about Kauai or Maui or even the state of Hawaii. It is about our government and it's growing partnership with big business.

As you go back to your offices and digest all of this information I would remind you that:

This is the wrong time to do the wrong thing.

And retrofitting the law to undermine the authority of the courts who have taken the time to hear expert testimony (from both sides) and have rendered their opinion is definitely the wrong thing.

Scott Mijares
PO Box 1222
Kilauea, HI 96754

10/24/2007

808-652-7113
scott@hawaiianwoodys.com

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around

<http://mail.yahoo.com>

To: Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

I am in support for the Hawaii Superferry for the following reasons.

1. I feel that it would give us an alternate mode of transportation.
2. Some of us do not like to ride in airplanes for fear of crashing. Some of us get phobia riding an airplane such as my elder aunties. They do not travel to the outer islands or anywhere else because they feel they are being suffocated. Maybe there are people there on Kauai as well that feel the same way. The Hawaii Superferry would give them a chance of a lifetime to visit the outer islands especially if they are getting up there in age.
3. I also feel that we need the Hawaii Superferry in case of emergency situations. After the last hurricane that hit Kauai there was so much chaos that I feel the people who live there could have come here if they wanted to. The State could have used it to transport supplies and personnel to assist in the aftermath. The Superferry needs to be available any time for any emergency situation.
4. Being surrounded by ocean, having paddled and sailed around this island, I enjoy being outdoors. It would be a treat to be on vacation starting by riding the Hawaii Superferry instead of just flying over to the outer islands.

Having served in the Hawaii Army National Guard for 22 years and presently working for one of the top contractors in the State of Hawaii, I know how important it is to provide support where ever needed, when ever needed and I strongly support the Hawaii Superferry to meet everyone's needs.

Mahalo,

Kehau Jardine
47-616 Hui Ullil Street
Kaneohe, Hawaii 96744
(808) 239-4236

P.S. I have also emailed this to testimony@capitol.hawaii.gov

**Relating to SB 1 Relating to Transportation Requiring an
Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: Sandra Herndon
(Signature)**



Address: Kapaa HI 96746 Tel 808-821-2101

Email pb1wahine@yahoo.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

LATE

MY POSITION: Please honor the Court's decision to require an

Environmental Review of the HDOT Harbor project BEFORE allowing

the Superferry to operate. If you pass this bill, please include the

29 conditions proposed by the Maui delegation (based on the court

testimony during the recent trial.)

The idea that the Governor can override the State Supreme Court by calling a Special Session to write new laws in favor of her pet Corporations is more than inappropriate, it's ludicrous! It sets such a dangerous precedent to other businesses who may believe they can ignore the laws, unless someone catches them. The environmental laws are what's kept Hawaii and in particular, Kaua'i, unique and valuable. We ALL need to adhere to these laws. Additionally, the Governor is essentially forcing the citizens to place themselves in danger in order to uphold the law that she is ignoring... to me that is really impeachable! NO EIS - NO Superferry! It really is that simple. Please hold HSF accountable to the laws which CLEARLY say the EA must be done first!

Mahalo nui for your strength and your support!

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task
force, etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

**FROM: Chris Skabo
6131 Kahillhole Rd.
Kilauea, HI 96754**

Tel (808)639-5016

(Your Signature)



Email chris@kula.org

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 2007

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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Environmental Review of the HDOT Harbor project BEFORE
allowing
the Superferry to operate. If you pass this bill, please include the
29 conditions proposed by the Maui delegation (based on the court
testimony during the recent trial.)**

LATE

Superferry Testimony

1-800-586-6659 Fax #

My name is Leah Snyder and have been a resident of Kona for nearly 20 years. I wish to see the Superferry proceed and move forward with its pursuit of providing an alternative mode for us to travel within the Islands.

I find it particularly disturbing that some residents only now, after one of the boats are already here and running are "marching in the streets" (+ waterways) when there was plenty of time for that beforehand.

I think that the Superferry is an environmentally safe boat - more so ~~that~~ than the barges, charter fishing boats and cruises that are operating currently. It will be a good opportunity for our farmers to inexpensively transport their produce hopefully providing more opportunity for them and the residents of our Island.

Thank you

Leah Snyder

325-9922

73-4231 Nana St

KAILUA - KONA HI 96740

LATE

Peter D. Osborne (R)

85 Kaikea Pl. Kailua, HI 96734

Ph. 808-262-1329 ~ Fx. 808-263-7725

Wednesday, October 24, 2007

Senate Sergeant-At-Arms Office: 586-6659

To Whom it may Concern:

As a native of Hawaii and business owner for almost 40 years I strongly urge your office to support the immediate operation of the Superferry during the environmental assessment process. This transport operation is vital to our tourist, local resident, military and business interests in this state.

I often traveled on Sea Flite during its short existence. At twice the speed of Superferry clearly it presented a greater danger to the whale population. Yet for the years that it was in operation never was there anything close to a dangerous incident.

Sincerely,
Peter Osborne

LATE

WINNERS' CAMP

HAWAII LEADERSHIP ACADEMY

Life Skills Training for Teenagers

Personal & Academic Success

FOUNDING DIRECTOR

Delorese Gregoire

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Dr. Seji Naya

Emma Pavich

Positive Connections

Robbins Research International

Bobbie Sandoz

Alan Silva

Sam Slom

Koana Smith

Turning Point for Teachers

Marshall Thurber

ORGANIZATIONS

Association for Supervision &

Curriculum Development

Coalition for a Drug Free Hawai'i

Friends of the Children's Advocacy

Friends of Foster Kids

Girl Scout Council of Hawai'i

Kamehameha Schools, Character Education

MADD & SADD

Merimed Foundation

Rotary Club of Honolulu

Rotaract - Interact - RYLA

Shannon Smith Scholarship Fund

Soroptimist international

Neighbor Island Parent Volunteers

Kauai: Rosemary Smith 808-822-5216

Mau: Koana Smith 808-669-9602

Hawai'i: Diane Feeney 808-885-6836

Winners' Camp Foundation

P.O. Box 241018

Honolulu, Hawai'i 96824

www.winnerscamp.com

success@winnerscamp.com

808-306-8008

TESTIMONY IN FAVOR OF THE SUPERFERRY

To: The Senators and Legislators of the State of Hawaii
testimony@capitol.hawaii.gov

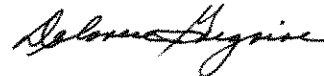
October 24th, 2007

I have lived in these beautiful islands for 42 years and assert that a **ferry system between the islands is critical for our island people**. As an educator working with school groups across the State, I know that ferrying our students between the islands for special events would be an efficient way for students to attend interisland youth programs.

What I have observed in my travels around the world as a student study tour operator is that every location that needs transportation across a waterway has a ferry system. The Hawaiian Islands are long overdue for this safe mode of travel. As well, in the event of a catastrophic episode, a ferry system would be able to get supplies and goods from island to island.

As the Founding Director of Winners' Camp for Teenagers, I can attest that thousands of our families over the years have voiced their support of a ferry system to me.

Respectfully submitted,



Delorese Gregoire
and the Winners' Camp Ohana

As past Chief of the State's Child and Adolescence Mental Health Department reported, "Winners' Camp was successful in improving self esteem, reducing depression and teaching leadership skills to the teens in the program serviced. Never, as a psychiatrist or as a volunteer with community organizations, have I witnessed such remarkable transformations... students learned that they have now options when confronted by the realities of peer pressure... and to instead make more productive choices... I heartily endorse this type of primary prevention program as a critical step in stopping the deterioration of family life and community that is presently threatening so many families and youths in Hawai'i." -Dr. Neal Mazer

testimony

From: Gary N.M.A. Taketa [gtaketa@pyramidins.com]

Sent: Wednesday, October 24, 2007 10:26 AM

To: testimony

Subject: SUPER FERRY

In the all the arguments and objections to the Super Ferry as reported by the newspapers and the TV stations, not once have I heard of "Sea Flight". Many of us remember Sea Flight several yrs ago and how they tried to create another travel option for the State of Hawaii. I am not sure if in those days of trying to secure the "permits" or "EIS" were needed to operate in Hawaiian waters and dock in Maalaea Harbor and Nawiliwili Harbor on Kauai. I think they even tried to go to Kona but my friend at that time was a Pilot for the ship said that Hawaiian waters are so different and challenging for the Sea Flight because of the rough ocean waters especially in the Maui (between Maui and Big Island) channel and even the Kauai channel was rough. Sea Flight also experienced other challenges like "debris" in the open ocean, like sea nets, logs from continental northwest and of course, whales and porpoises. They traveled very fast and even tho had hydrofoil skis, they managed to hit some whales and animals in the sea mainly because the would appear suddenly or surfaced suddenly. I am not aware of how fast the Sea Flight was allowed to operate but again, they failed perhaps due to not being profitable, perhaps poor timing in our State..one never knows or thinks that there was one reason for them folding but I am sure there are more knowledgeable individuals on this subject matter that can provide more insight and testimony to "help" Super Ferry.

I am for the Super Ferry and mainly as another option of traveling interisland. I may not take the Super Ferry as the main source of travel, still will go by air. I am sure that I would like to travel 3-4 hours or even longer IF they go to the Big Island via the Super Ferry, but why not give them a chance. About the EIS, unfortunately, think the State messed things up here by trying to skirt the issue, that to me is the big reason for the protest, not necesariy the whales, endangered species, pollution, taking surfing and canoe paddling areas away... think we can work together, need to let the public know how long they will be in port so the paddlers and surfers have an idea of when Not to surf or paddle. Communication is the key...

Hope the legislature can come up with a solution, to at least give the Super Ferry a chance to serve the public of Hawaii.. It is very unfortunate that the problems about the trucks with rocks from Iao Valley only raises more issues and ammunition for the protesters. I hope we can work together and try to solve this problem...

aloha for reading my concerns.....

Gary Taketa
(c) 285-6072

testimony

From: Andrea Brower [andreanoelani@yahoo.com]
Sent: Wednesday, October 24, 2007 10:08 AM
To: testimony
Subject: No bill granting special privileges to superferry

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

NOTICE OF HEARING

DATE: Wednesday, October 24, 2007

TIME: 10:30 a.m.

PLACE: Auditorium State Capitol
415 South Beretania Street

A

G E N D A

Notice is hereby given that the Committees will be hearing a Senate Bill, that will be introduced at the convening of the Second Special Session of 2007 on Wednesday, October 24, 2007; and pending a referral to JDL/TIA/ENE. The subject of this bill will be 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. The 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. \

**Note: Copies of the proposed bill will be available online at www.capitol.hawaii.gov.
Decision Making to follow, if time permits.**

Persons wishing to testify should submit testimony in one of the following ways at least 24 hours prior to the hearing:

- In person: one (1) copy of their testimony to the committee clerk, Room 219, State Capitol.
- By fax: Testimony may be faxed if less than 5 pages in length, to the Senate Sergeant-At-Arms Office at 586-6659 or 1-800-586-6659 (toll free for neighbor islands), at least 24 hours prior to the hearing. When faxing, please indicate to which committee the testimony is being submitted, the date and time of the hearing, and the number of copies needed for submittal.
- By Email: Testimony may be emailed if less than 5 pages in length, to the Legislature's Public Access Room at

10/24/2007

testimony@capitol.hawaii.gov. Please indicate to which committee the testimony is being submitted, the date and time of the hearing, and the number of copies needed for submittal. In addition, please provide the testifier's name and mailing address in the email. Email sent to *individual offices or any other Senate office will not be accepted*.

Aloha,

I strong oppose any bill that allows the superferry to sail prior to an EIS. I'm a life-long resident.

Mahalo,
Joe-Guy
PO Box 422 Hanalei HI.

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testimony

From: jamie [marinezoomer@yahoo.com]
Sent: Wednesday, October 24, 2007 10:38 AM
To: testimony; erica trilby; mom
Subject: Hawaii Superferry

To whom it may concern;

The Hawaii Superferry is nothing but an asset to the Islands. I have been a crew member on other high speed craft that DoD has sail around and between the islands and globally and there is a stellar record of HSC (High speed craft) concerning environmental care and safety.

On the environmental impact issues. If there is such a imposing issue of "cross - contamination of plants and animals" then should not all inter island transportation be curtailed? Sand and raw materials move all the time and they are not screened or filtered. Wood products move all of the time. Treasures and artifacts have no restrictions from being flown on an airplane. Cruise ships are not restricted. Want to see waste, just look to the commerical fishermen and pleasure craft that go between islands with no restrictions. a lot of potential issues there also.

If the islands want to be independent, then let them do so. If equal access is denied then perhaps distribution of money should be done on a percentage also? The islands could be as self supporting as their revenue will allow. Now that is something of a novel idea.

If there are these serious issues then let's level the playing field and have ALL transportation methods evaluated evenly. Just because the ferry is a new way of getting around and providing accessibility to the islands for everyone does not mean it is bad, just different. Have the current barge and inter-island operators said a word; nope, because they realize they would not be able to adhere to the most basic requirements that the ferry is volunteering to do. Makes you wonder who really cares about the environment?

There are compromises that can be made to allow everyone to win. If the ferry does not operate and moves on, which it will, Hawaii will again be considered Un-united, demonstrate that the government does not have the ability to lead. It leads alot of people to think of Hawaii as a bunch of "pacific rednecks with palm trees" that do not like the new guy coming to town; thus running him out of town. A true shame.

James

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<http://mail.yahoo.com>

testimony

From: Amaura L. Delaney [heartofthelotus@earthlink.net]
Sent: Wednesday, October 24, 2007 10:19 AM
To: testimony
Subject: State Senate Legislative Hearing for superferry

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

Aloha,

My testimony is; Knowing that thousands of crates of from the mainland and the other islands are made weekly without specie inspections or reports. I am amazed at the uproar to not pass such a wonderful connection for the locals to explore other islands and possibly expand better priced items for us to buy. We islanders are starting to look really stupid trying to stop such a benefit to the locals and the tourist industry. Let the Superferry do the job of expanding the inner-connections between our beautiful islands! (Without the crazies on the docks or in the water!)

I am looking forward to being able to shop for my kids clothes and lower priced food on other islands!

Mahalo,
Amaura Delaney (big island)

From: emanon@lava.net [mailto:emanon@lava.net]
Sent: Tuesday, October 23, 2007 12:24 AM
To: testimony
Subject: Senate Hearing re: Hawaii Superferry

This email is being sent to the State of Hawaii Legislature's Public Access Room: email address - testimony@capitol.hawaii.gov Please deliver this email testimony by Tuesday, October 23, 2007 at 10:30 a.m.
Hearing Date: Wednesday, October 24
Time and Location: 10:30 a.m. Auditorium, State Capitol

To the Chair and Members of the Senate Committees: Judiciary & Labor, Transportation & International Affairs, and Energy & Environment:
Senators:

Thank you for providing the opportunity to submit testimony regarding the Hawaii Superferry. My name is Mark P. Cosgrove. I am a resident of Kaneohe. I wholeheartedly support the Hawaii Superferry enterprise. I personally look forward to the Superferry service that will one day link Honolulu with Kawaihae. I look forward further to driving on the completed Saddle Road improvements on the Big Island, that will one day link West Hawaii with East Hawaii. I look forward to the day when I will be able to travel with my vehicle from my home here in Kaneohe on Oahu via the Superferry and the Saddle Road to Hilo, and on to my home in Volcano on Hawaii. I have been waiting for this type of transportation alternative for more than 25 years. As you may recall, Seaflyte provided a transportation alternative between the islands (I used their service several times when I lived on Maui, and thought very highly of Seaflyte), but the Seaflyte business did not succeed in my opinion because the traveling public needed (and still needs) a true alternative to air and barge travel, a travel mode in which people, their goods, and their vehicles can all travel together between the islands. The Hawaii Superferry is long overdue. The Hawaii Superferry will compliment our existing transportation grid. The Hawaii Superferry will truly benefit the people of Hawaii, and I sincerely believe that even those who now oppose the Hawaii Superferry, will ultimately come to realize its benefits to the people, to the economy, and to the quality of our lives. Again, I wholeheartedly support the Hawaii Superferry and I urge you to enact legislation that will allow the Hawaii Superferry to resume service.
Thank you.

testimony

From: Alvin Koo [papaalhawaii@hotmail.com]
Sent: Wednesday, October 24, 2007 11:01 AM
To: testimony
Subject: Super Ferry

I sent this today to the Maui News, Garden Island, Honolulu Advertiser and Honolulu Star Bulletin

Dear Editor,

I support the Super Ferry. Really, I don't know what the beef is about. The environmental arguments seems extremely flimsy. Some say it's really about Kauai and Maui being anti-development. Tired of more tourists. Especially fearful of Oahu cars suddenly filling their beach parking lots. I say grow up. Change happens. If you drive out to the North Shore of Oahu on a weekend, there is hardly any traffic. On a weekend, you make do. The beach is still pretty.

Some neighbor islanders think Oahu is ruined. My daughter does. She moved to Pahoehoe. But I think Oahu is beautiful. Just a lot more cars. But they number in the hundreds of thousands, not hundreds. I lived on Kauai three years. The problem is that the Kauaians can't grow up and put a second lane both ways from Kapaa to Poipu. Bite the bullet, it's going to happen. You might even think of six lanes. The world's not going to stop because you have a pretty island and you want to keep it that way. I had to leave Kauai because I couldn't make a living there. Trying to stop progress puts the brakes on economic development too.

Finally, it's my guess that the roads and lots of the improvements on Kauai were paid for by State of Hawaii or Federal dollars. So, it's not just yours, neighbor islanders. It's ours too. Well, thanks for printing this. It's my five cents. Go Super Ferry.

Alvin Koo, 1741 Ala Wai Blvd., Honolulu, HI 96815 942-3977

Check out Papa Al's new [Oahu's Best Tour](#)
Or read Papa's book "[Stuff Nobody Told Me](#)"
Tell a friend!

testimony

From: Dennis Chun [dennisch@hawaii.edu]
Sent: Wednesday, October 24, 2007 11:12 AM
To: testimony
Subject: ferry

Aloha kākou,

It has taken a long time for me to address this particular issue in this manner. I have listened, read, observed, and discussed the issue of the ferry system that has been "pushed" upon us. I do mean, "pushed" in a number of ways. I find it hard to understand that an event such as this, that will have such a large impact on our island of Kauaʻi, has been so callously forced upon us. I think a number of points should be known by the larger community to really understand and critically think about the impact that this project will have. I will try to illustrate these as unemotionally as possible.

1. First of all, the notion that the public "wants" such a mode of transportation. Personally, I do not recall any public hearing or discussion that a ferry system involving the transportation of vehicles was made available for discussion. The only thing that I do recall is a visit by a ferry a number of years ago that was promoted as something that a company wanted to come and start this business. There was no public input asked or solicited about such a possibility. No one asked what we thought of such a ferry or whether we desired one.

Representatives from the company say they have conducted polls or have information that Kauaʻi is in favor of such a ferry. But, I, and others, have not heard of anyone that has been polled and the company has not divulged any information of the results of the poll itself, when it was conducted, who did the survey, and what questions were asked.

Barry Fukunaga (I think that was name) from the Dept. of Transportation stated that the State has always solicited and desired another mode of inter-island transportation. The foremost question that comes to mind is "who" is the State? If we are part of the State, I do not recall any discussions or questions put to us asking what we thought. Of course, I do not religiously follow all public hearings or notices, so I might have missed this. Which then points out that perhaps the thought is that the less people hear of it, the less resistance and work needs to be done. Or, as this issue seems to point out, since we are less populated, but most impacted, Honolulu will decide for us what is best for us. This seems to be a case of the "plantation" mentality that "Big" brother knows what is best or even a modern version of colonialism. If our government is truly understanding and open to the concerns of the people, then why have they not listened to the people themselves, or at least the governmental branch closest to the people affected? All the County Councils of the State, except for the County of Honolulu, have passed resolutions asking that a better assessment of this ferry be done prior to the project beginning. Does this not represent those that are most affected and closest to being impacted? Should not the legislature have then taken this as a "red flag" and taken the time to have a more complete investigation take place? Just because we have a smaller population than Oʻahu does not mean that we are insignificant. It is upsetting that our Governor did not even have the common courtesy of meeting personally with a group of people who wished to present her with a petition that asked for an EIS and to discuss this with her. This gave the appearance that we are insignificant and not worthy of her presence.

But, she was all over the place when she wanted our vote?!!

As a side note, the ferry company is only now sending out mailers to the households of the Kauaʻi asking that we send in letters of support for the ferry to their company. Why are they only now asking for our support? Why did they not ask us 4 years ago what we thought and how can they work with

the community? It seems that they are now in a propaganda mode to offset concerns that have been presented to them.

2. Secondly, the idea of being able to go from island to island with your vehicle is indeed enticing. How many times a year will clubs, organizations, etc. make use of this ferry? Which island will be most impacted? We all are attracted in going to Oahu with our car, but what of the converse? There are more people on Oahu interested in going to the outer islands with their vehicles than there would be outer island people going to Oahu on a fairly consistent basis. Which island will be most impacted? WE need to think about this not only from an environmental perspective, but also a social and cultural perspective.

Environmentally, what will the impact be on our natural resources? Even now, we are seeing more people using more of our natural resources. What will happen to areas of ocean recreation? Surf spots that were once laid back, open, un-crowded, and with a country mentality will be impacted by more surfers from off-island possibly leading to confrontations and territoriality. Fishing spots that were once able to sustain subsistence or at least a supplemental economy will be impacted by off-islanders coming to "harvest" and possibly to "sell" to a Oahu market place.

What will happen to these resources? Will our shorelines and their resources become a barren wasteland similar to that found on Oahu?

Will these resources just become a commodity to support the population of Oahu? After the loss of our marine resources, where will they go to next? In the end, who pays the price of this? I'm sure those on Oahu, our Governor, or most of the legislators will not be feeling the loss of this (out of sight, out of mind). What about Kokee and other mauka areas? Hunting areas and game that were plentiful may go the same way as our ocean resources. The impact of more people and demand for mokiha, maile, and other plants found in Kokee will be headed for a commercial market on Oahu. Who ends up paying the price? You may question that there are other modes of transportation that people can come in and do such things. But, the key point here is that this is an easy access to do so with their vehicle and whatever it may be able to carry back to Oahu without scrutiny or question.

Socially and culturally this will have the greatest impact on the lifestyle and ambiance of this island. We are still quite a small community in relation to Oahu. Many people still don't lock their house and car doors relying on their trust in their neighbors and the rest of the community. Children are free to explore their community without fear or mistrust of those around them. What happens with when an influx of "outsiders" arrives with their vehicles and the ability to "vanish" the next day to another island? Someone could burglarize a home, business, kidnap a child, etc. hide the merchandise in their vehicle, board the ferry, fence the goods on Oahu, and be lost in the multitudes of Honolulu. Who then pays for this? What resources are available to the Kauai Police department? Whose jurisdiction does it then become? How efficient can the investigation be conducted? There are many questions that arise just in criminal conduct. This does not even address the drug concerns of the community. How easy is it to smuggle in drugs on a vehicle. An example is the Mexican-American border. There are many instances of drug smuggling involving vehicles. And, this is with Federal drug enforcement agencies involved. We have not heard of any drug enforcement procedures that will be conducted for this ferry. The company just insists that this will be done, but has never answered the question as to how this can occur in a one-hour time frame.

Another aspect is the impact on public facilities. The use of public restrooms, beaches, parks, campgrounds, and other public facilities will greatly affect the community. We have a difficult time as it is maintaining what exists. Added use from off-island people will only add more of a burden. Who pays for these? Not the people who come here and then leave. We, the community pay for this with

our property taxes. Does this mean that our property taxes will now go even higher to try and pay for maintaining and possibly building more public facilities? We do not have the population base to absorb these kinds of costs.

3. Thirdly, the reasons for the legislature, Governor, the courts, and the Department of Transportation for not requiring an EIS or even further study of the project is faulty. What has been vocalized is that other maritime businesses were not asked for an EIS, so why pick on the ferry? Well, lets do a little history and find out that Matson and Young Brothers were in business and a lifeline for the neighbor islands long before the advent of the EIS requirement. These maritime businesses also do not transport people, but goods that support our modern material culture. The only maritime business that recently entered the market is the cruise ships. They are right, an EIS wasn't asked from them (I don't know why they weren't). But, the same problems of bringing in drugs, alien species, other invasive species, and the social impact on a community is in existence. It is a mistake that we did not require an EIS from them, but just because they were not required to produce an EIS, does it make it "pono" not to ask a similar business and correct the mistake? Do we continue to make the same mistakes just because we made one earlier? That does not make any logical sense. Lets correct what was done wrong previously and not let money, politics, or big business be the deciding factors. If, we truly have aloha for this place, we need to stand and protect what makes Kaua'i special.

How can the ferry say they are environmentally friendly when they will be burning 6,000 gallons of diesel per trip? I feel that our government, our business people who are only looking out for themselves, and our politicians, has sold us out. Mr. Fukunaga said, "well, if you don't like it, then don't ride it." That seems like a callous way to approach the concerns that we have about this project. So, our tax money goes into supporting this business (harbor improvements and don't know what other kinds of incentives the State granted them) but we have no input about this venture. That doesn't seem right!? I think the bottom line is that, **NOBODY CAME TO US AND ASKED US WHAT WE THOUGHT OR INVITED US TO BECOME INVOLVED. IT HAS ALL BEEN AN AFTER THOUGHT AND ONE OF TELLING US THIS IS WHAT THEY ARE GOING TO DO NO MATTER WHAT WE THINK OR ARE CONCERNED ABOUT. THAT IS THE AMERICAN WAY OR, MORE COMMONLY CALLED, THE HĀ'OLE WAY!!! IS THIS WHAT HAWAI'I IS ABOUT? WHAT IF WE CAME TO YOUR HOME AND TOLD YOU WE WERE GOING TO CHANGE THINGS TO OUR WAY, WHETHER YOU LIKED IT OR NOT? IS THAT PONO?**

Perhaps it is also good to understand that the reverse is also true.

What goes to the outer islands, can also get to Oahu. Invasive species, drugs, crime, traffic concerns (can you imagine 500 or more cars a day added to the current traffic situation on Oahu?) There is an Olelo No'oeau from Kawena Pukui that goes "Pa'akiki kanaka o Kaua'i". This refers to a time when Oahu had a group of cannibals that terrorized Oahu. They would invite people to stay at their place during the day and at night they would kill and eat them. A group of Kauai men came for a visit and were invited in to their hale. One of them was suspicious and hid while his companions fell asleep. The cannibals came in the hale and killed and ate them. The single survivor returned to Kauai and relayed the story to others. They hatched a plan to rid Oahu of these cannibals. They fashioned wooden images of themselves and hid them in their canoes.

When the cannibals invited them in to stay the night, they brought in the wooden images and then hid outside of the hale. When the cannibals came to devour them in the hale, they remarked "pa'akiki kanaka o Kaua'i". (the men of Kaua'i are hard) Upon hearing this, the Kaua'i men shut the cannibals inside the hale, set the hale on fire, and killed all of the cannibals. This ended the terror of the cannibals on Oahu. We feel are trying to accomplish the same thing and save what is left of Oahu.

E Kū Pono Kākou,

testimony

From: Kerri Van Duyne [kerri92101@yahoo.com]

Sent: Wednesday, October 24, 2007 10:48 AM

To: testimony

Subject: In favor of Superferry

I know this is late to submit, but I didn't hear about the ability to provide testimony until late yesterday. I want to go on record in support of the Superferry and its ability to operate while the EIS is being done and beyond.

This whole process has been unbelievable and embarrassing to our state in the way this was handled. I don't see how we can expect other businesses to want to risk coming to Hawaii after reading about this. I work with lots of business executives from the mainland and I have received comments of surprise as they read the news stories.

I'm not opposed to the EIS generally speaking, but I don't understand why Superferry has to go through such an unusual and unpredictable amount of scrutiny as compared to other modes of transportation that have been approved without an EIS.

I believe the Superferry is good for the people of our state and the economy. Those who are concerned about additional traffic, invasive species, and more tourists visiting their tranquil communities should think about the other modes of transportation that exist. Should they be open to the same tough road that Superferry has had to endure? To be fair all around, the answer would be yes. But does that make sense? Of course not.

I hope that the Legislature (as well as the courts) really look at the true issues here and make the right decision. The right decision is to let the Superferry continue to operate-permanantly.

Kerri B. Van Duyne
Oahu Resident (born and raised here)

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testimony

From: Noelle Baker [NoelleB@lca-anthology.com]

Sent: Wednesday, October 24, 2007 10:16 AM

To: testimony

Aloha,

I am urging both the Senate and the House to understand that the silent majority stands firm behind the Superferry. We recognize that many vessels have been commuting between islands for decades with relatively minor impacts. We have kokie frogs on O'ahu, ice on Kaua'i, traffic in Kahului – none of which the Superferry caused. The Hawaii Superferry has anticipated these concerns and put controls in place to prevent and minimize impacts (something that no other interisland transportation company has done). Putting untenable controls on a vessel that has demonstrated its willingness to work with government and regulatory agencies is just wrong headed and may result in the company just saying to heck with it and leaving. Who could blame them?

Please keep in the forefront those of us who are at work during the day paying taxes so that that all Islands can enjoy the prosperity that a growing economy provides.

Mahalo for you consideration,

Noelle S. Baker
500 Lunalilo Home Road
Honolulu, Hawaii 96825

10/24/2007

testimony

From: Boyd Baldomero [bbaldomero@hmaa.com]
Sent: Wednesday, October 24, 2007 10:15 AM
To: testimony
Subject: hawaii super ferry

To whom it may concern, I am all for the superferry because I feel it will help create new jobs as well as boosting the *economy on all islands*,

Mahalo!

Boyd K. Baldomero

HMAA (AB & Associates, Exclusive Agent)
737 Bishop Street, Suite 1200
Honolulu, Hawaii 96813
Direct line: 808-791-7650
Direct fax: 808-535-8384
Toll-free: 800-621-6998 x650
bbaldomero@hmaa.com

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testimony

From: Kehau Jardine [kjardine@hdcc.com]
Sent: Wednesday, October 24, 2007 10:14 AM
To: testimony
Subject: Support for Hawaii Superferry

To: Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

I am in support for the Hawaii Superferry for the following reasons.

1. I feel that it would give us an alternate mode of transportation.
2. Some of us do not like to ride in airplanes for fear of crashing. Some of us get phobia riding an airplane such as my elder aunties. They do not travel to the outer islands or anywhere else because they feel they are being suffocated. Maybe there are people there on Kauai as well that feel the same way. The Hawaii Superferry would give them a chance of a lifetime to visit the outer islands especially if they are getting up there in age.
3. I also feel that we need the Hawaii Superferry in case of emergency situations. After the last hurricane that hit Kauai there was so much chaos that I feel the people who live there could have come here if they wanted to. The State could have used it to transport supplies and personnel to assist in the aftermath. The Superferry needs to be available any time for any emergency situation.
4. Being surrounded by ocean, having paddled and sailed around this island, I enjoy being outdoors. It would be a treat to be on vacation starting by riding the Hawaii Superferry instead of just flying over to the outer islands.

Having served in the Hawaii Army National Guard for 22 years and presently working for one of the top contractors in the State of Hawaii, I know how important it is to provide support where ever needed, when ever needed and I strongly support the Hawaii Superferry to meet everyone's needs.

Mahalo,

Kehau Jardine
47-616 Hui Ulili Street
Kaneohe, Hawaii 96744
(808) 239-4235

800-586-6659

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement,
oversight Task force, etc.**

DATE: Wednesday, October 24, 2007

TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: My Name *SPENCER McDONALD*
Signature) *[Signature]* **(Your**

My Address

Tel *631-930 6*

Email *PSMCKEAN@MAC.com*

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT**Senator Ron Menor, Chair****Senator Gary L. Hooser, Vice Chair**

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

The existing laws are good and clear. There is no need for a special session. The eyes of the world are watching you. We can all see clearly how our government is out of control and misrepresenting the people by circumventing the laws or rewriting new ones when it is in their best interest or in the best interest of a special interest. We have no more confidence in you to do what is right. We also are waking up to the truth that we hold all the power. You are failing us and we know we must take responsibility for our own survival and the survival of our families and for the survival of future generations.

Sincerely and humbly,

Spencer McDonald
4211 Waipua St.
Kilauea, Hi 96754

Relating to SB 1 Relating to Transportation

Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: My Name

(Your Signature)



My Address

Tel (Optional)

Email (Optional)

THE SENATE
THE TWENTY-FOURTH LEGHSLATURE
SECOND SPECIAL SESSION OF 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

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Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

I was a tour boat captain for 10 years and ran whale watching tours on a 50 ft. catamaran with 49 passengers off the Kona and South Kohala coasts. One thing I learned above all, and that is that whales are unpredictable. They will breach out of the water at a moments notice when they are fighting with another whale for a mate, and they have no awareness of boats around them when they are in the heat of battle. Mother whales will stay submerged but their babies have to come up for air more often and it is impossible to predict where or when they will emerge. If a boat traveling 40 MPH had to back off the throttle immediately to avoid hitting a whale under these circumstances, everybody on that vessel would fly forward, not only would a whale be hit but people standing would be hurt also.

Mike Swerdlow

pob384192 Waikoloa

HI 96738

from ● Arvid Youngquist <thir33@gmail.com>

[hide details](#)

9:48 am (0 minutes ago)

to
cc
bcc

testimony@capitol.hawaii.gov
pac@capitol.hawaii.gov
senmenor@capitol.hawaii.gov,
senenglish@capitol.hawaii.gov,
sentaniguchi@capitol.hawaii.gov,
repsouki@capitol.hawaii.gov,
reprnishimoto@capitol.hawaii.gov,
repmoshiro@capitol.hawaii.com,
replee@capitol.hawaii.gov,
gov@hawaii.gov,
senslom@capitol.hawaii.gov,
senwhalen@capitol.hawaii.gov,
sentrimble@capitol.hawaii.gov,
sengabbard@capitol.hawaii.gov,
senhanabusa@capitol.hawaii.gov,
repsay@capitol.hawaii.gov,
repsaiki@capitol.hawaii.gov,
repluke@capitol.hawaii.gov,
senkim@capitol.hawaii.gov,
senhee@capitol.hawaii.gov

date
subject

Oct 24, 2007 9:48 AM

HB1 & SB1 Together With Testimonies in
Support of Several Confirmations (Late
Testimony)

mailed-by

gmail.com

October 24, 2007
9:42 AM

Late Testimony

Dear Chairs & Vice Chairs together with respective subject matter committees of referrals on HB1 & SB1 as well as confirmation hearings:

Please pardon me this abbreviated testimonial-Thank you for this opportunity to submit both written testimony together with oral testimony as appropriate.

I read that a Special Session Legislature may hear public testimony as early as Wed., Oct. 24, 2007. The informational briefing on the draft legislation on Super Ferry goes on the road to Kauai, Maui and Big Island.

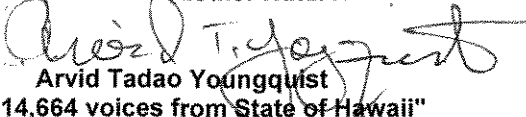
This is an important session because the Senate in particular will hear from candidates for Chair, DLNR, DIR, Dept. of Labor & Industrial Relations, & other confirmation hearings such as Justice Randall Lee's elevation to a higher bench. He was already visiting the Senators' offices as early as Oct. 18th, 2007!

The one single question that voters and lawmakers have to ask themselves is: will they have supported the Super Ferry if the EA/EIS were favourable and/or mitigation effectuated? If the answer is yes, they the Super Ferry must be made afloat not just to avoid a \$40 million default on a surety bid bond, unemployment insurance for 300+ company employees, and their retraining, and further need to extend the Special Session to balance the budget short fall due

to this "Summer Time Romance" with the Super Ferry.

Let's let all sides come to meet at the happy medium and create a Win-Win situation for not just the Company but for all residents, all Islands, office holders, and most important of all, the tax payers (read that=voters).

This is a \$300 million+ project which the economy of this State can ill afford to sacrifice. Hopefully a decision tempered with wisdom and due diligence can be achieved in the brief time allotted to us as a State, by both Father Time & Mother Nature.


Arvid Tadao Youngquist
"1 of 14,664 voices from State of Hawaii"
P O Box 37542
Honolulu, Hawaii 96837

p.s. I also want to express my support for the confirmations of Mr. Randall K. Lee for elevation to the higher court due to a vacancy because of a death; Support also confirmation of Laura Thielen, acting Chair, DLNR, & Mr. Darwin Ching, acting DIR, Dept. of Labor & Industrial Relations, as permanent Directors for the remainder of the Governor's term.

COMMITTEE ON ENERGY AND ENVIRONMENT**Senator Ron Menor, Chair****Senator Gary L. Hooser, Vice Chair**

MY POSITION: Please honor the Court's decision to require an

Environmental Review of the HDOT Harbor project BEFORE allowing

the Superferry to operate. If you pass this bill, please include the

29 conditions proposed by the Maui delegation (based on the court

testimony during the recent trial.)

Laws were created to protect our most valuable resource, "The Environment." Politicians are supposed to listen to the voters. Why aren't you listening to Maui and Kauai? Just because we don't have the population like Oahu, it doesn't mean we are not committed to protecting our ENVIRONMENT and following the LAWS THAT PROTECT IT! How can the Governor conveniently call a special session for the Supper Ferry, when it takes some of us YEARS to go through the process properly. We are all tax payers and live by the laws that are set to protect us and our precious islands. We apply for necessary permits and wait for the Bureaucrats to review them, have us revise our applications, wait for more review and so on. We know how long these things take. The courts have ruled that an EIS is required before the Supper Ferry operates. How can the judicial system be circumvented just because the outcome wasn't what the Super Ferry and the Governor want. Just because the rules were broken to allow Supper Ferry to get this far does not justify breaking them again to let it operate during the EIS.

Governor Lingle is using her power NOT in the best interest for all the state. Please uphold the court ruling and do not allow the Ferry to operate during the EIS.

Mahalo,



Linda Taylor

Senator J. Kalamani English, Chair
Senator Mike Gabbard, Vice Chair
COMMITTEE ON ENERGY AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Supperferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Laws were created to protect our most valuable resource, "The Environment." Politicians are supposed to listen to the voters. Our economy, unique life style, and the variation between the islands are driven by the water that separates one island from the next. Supper Ferry threatens that existence. The courts have ruled that an EIS is required before the Supper Ferry operates. Just because the rules were broken to allow Supper Ferry to get this far does not justify breaking them again to let it operate during the EIS.

Governor Lingle is ready to fall on her sword to save Supper Ferry, are you? Please uphold the court ruling and do not allow the Ferry to operate during the EIS.

Mahalo,

Rod Taylor



Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

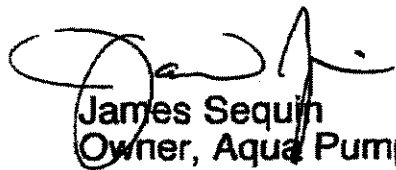
Senators:

Please act immediately to support the Superferry.

Yes, our environment is precious, but the Superferry will employ unprecedented precautions to deter the spread of invasive species and avoid whale collisions.

Let's not allow a vocal minority to sway us with their unfounded fears of economic growth and "outsiders". The Superferry opens great new possibilities for many businesses and residents.

Please vote in favor of progress.



James Sequin
Owner, Aqua Pumping LLC

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

Senators:

Please act immediately to support the Superferry.

Yes, our environment is precious, but the Superferry will employ unprecedented precautions to deter the spread of invasive species and avoid whale collisions.

Let's not allow a vocal minority to sway us with their unfounded fears of economic growth and "outsiders". The Superferry opens great new possibilities for many businesses and residents. It is Hawai'i's greatest advance in transportation since the airplane. Let's give it a real chance to prove itself.

Please vote in favor of progress.


Lisa Sequin
Honolulu, Hawai'i

Statement of

**Rick Shema
President
Weatherguy.com**

before the

SENATE COMMITTEES:

Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Wednesday, October 24, 2007
State Capitol, Auditorium
10:30 AM

In consideration of

SB RELATING TO TRANSPORTATION AND HAWAII SUPERFERRY

Thank you for reading my testimony. I am the President of Weatherguy.com, a Hawaii-based business supporting marine interests with meteorological and oceanographic services. **I strongly support a House Bill to allow the Hawaii Superferry service to operate while an environmental impact statement is being conducted and urge your Committees to vote for its passage.**

By letting the Superferry operate, we can observe first hand the adverse impacts, if any, on the environment and the neighbor islands and weigh them against the positive attributes the Superferry could potentially deliver in terms of recreation, business, sports, and culture.

Allowing the Superferry to operate is a good compromise between business and protecting the environment. No other interisland service is required to comply with the same environmental standards as the Superferry and yet the other services pose similar environmental risks.

I believe this bill is an excellent way to grow Hawaii and make it more accessible to more of Hawaii's people.

I urge you to pass this bill for Hawaii's ohana.

Thank you for listening.


Rick Shema

testimony

From: Ellie Snyder [ellie.snyder@rare-dear.com]

Sent: Wednesday, October 24, 2007 9:59 AM

To: testimony

Subject: Please, please follow the law = no superferry before EIS

It is tragic that our leaders flaunt the law.

Eleanor Snyder
Lawai, HI

10/24/2007

testimony

From: Dolphinwinks@aol.com
Sent: Wednesday, October 24, 2007 10:03 AM
To: testimony
Subject: Support for the Superferry!!

Hello, my name is Sammy. I think the Superferry is a great idea. It will allow people to easily visit family members. It will also provide convenient transportation for people who are handicapped. I truly look forward to the operation of the Superferry, and I know my family and I will use it. Thank you so much.

Sammy L. Frias

See what's new at AOL.com and [Make AOL Your Homepage](#).

testimony

From: Keone Kealoha [keone@malamakauai.org]
Sent: Wednesday, October 24, 2007 10:00 AM
To: testimony
Subject: Testimony of Keone Kealoha in opposition to SB1
Attachments: SenateSpeechShort.doc

Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium

FROM: Keone Kealoha
P.O.Box 223300, PMB 356
Princeville, HI 96722
Tel: (808) 634-8174 Email: keone@malamakauai.org

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

MY POSITION:

I support the ruling of the Hawai'i Supreme Court and would like to ask that the Senate vote to support that ruling as well. Please vote no on this bill as is consistent with the current laws of the State of Hawai'i.

Keone Kealoha
Director

Malama Kaua'i

808.828.0685 Office
808.634.8174 Mobile
808.828.0485 Fax
Email: keone@malamakauai.org
<http://www.MalamaKauai.org>

testimony

From: mauidude@gmail.com on behalf of Eric K. Olson [olson@mauicomputing.com]
Sent: Wednesday, October 24, 2007 9:53 AM
To: testimony
Subject: My Superferry Opinion (summary: opposed)

Hello Folks,

I would like to add my name to the list of people opposed to calling a special legislative session to change the law to allow the Superferry to operate. It is inappropriate for the legislature to override the due process of the court system. In addition, the Superferry is likely to do irreparable harm to the environment of Maui, as the court has noted.

I have not testified in this matter previously.

Sincerely,

Eric K. Olson
149 Uhiwai Place,
Wailuku, HI 96793
Maui

testimony

From: RUSKELLY@aol.com

Sent: Wednesday, October 24, 2007 9:51 AM

To: testimony

Subject: Support the Superferry . we need this. Dont let a few people cripple this

support Cynthia from Mililani

See what's new at AOL.com and [Make AOL Your Homepage](#).

testimony

From: Arvid Youngquist [thirr33@gmail.com]
Sent: Wednesday, October 24, 2007 9:48 AM
To: testimony
Cc: pac@capito.hawaii.gov
Subject: HB1 & SB1 Together With Testimonies in Support of Several Confirmations (Late Testimony)

October 24, 2007
9:42 AM

Late Testimony

Dear Chairs & Vice Chairs together with respective subject matter committees of referrals on HB1 & SB1 as well as confirmation hearings:

Please pardon me this abbreviated testimonial-Thank you for this opportunity to submit both written testimony together with oral testimony as appropriate.

I read that a Special Session Legislature may hear public testimony as early as Wed., Oct. 24, 2007. The informational briefing on the draft legislation on Super Ferry goes on the road to Kauai, Maui and Big Island.

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The one single question that voters and lawmakers have to ask themselves is: will they have supported the Super Ferry if the EA/EIS were favourable and/or mitigation effectuated? If the answer is yes, they the Super Ferry must be made afloat not just to avoid a \$40 million default on a surety bid bond, unemployment insurance for 300+ company employees, and their retraining, and further need to extend the Special Session to balance the budget short fall due to this "Summer Time Romance" with the Super Ferry.

Let's let all sides come to meet at the happy medium and create a Win-Win situation for not just the Company but for all residents, all Islands, office holders, and most important of all, the tax payers (read that=voters).

This is a \$300 million+ project which the economy of this State can ill afford to sacrifice. Hopefully a decision tempered with wisdom and due diligence can be achieved in the brief time allotted to us as a State, by both Father Time & Mother Nature.

**Arvid Tadao Youngquist
"1 of 14,664 voices from State of Hawaii"
P O Box 37542
Honolulu, Hawaii 96837**

p.s. I also want to express my support for the confirmations of Mr. Randall K. Lee for elevation to the higher court due to a vacancy because of a death; Support also confirmation of Laura Thielen, acting Chair, DLNR, & Mr. Darwin Ching, acting DIR, Dept. of Labor & Industrial Relations, as permanent Directors for the remainder of the Governor's term.

testimony

From: Gerald Evans [GeraldEvans@Hawaii.RR.Com]
Sent: Wednesday, October 24, 2007 9:45 AM
To: testimony
Subject: Support SB 1

**Gerald Evans
95-223 Auhaele Loop
Mililani, HI 96789**

Date: Wednesday, October 24, 2007

To: Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
Committee on Judiciary and Labor

Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair
Committee on Transportation and International Affairs

Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair
Committee on Transportation and International Affairs

From: Gerald Evans
808-625-0112
geraldevans@hawaii.rr.com

Re: SB 1

I am testifying in strong support of SB 1.

I rode on the Superferry. It proves an opportunity for local families to travel inter-island.

We need the Superferry. It's a good thing for the state of Hawaii.

I strongly urge you to pass SB1.

Thank you for the opportunity to provide testimony.

Testimony of Kawika Winter

Strongly Opposing any bill to allow Superferry to sail prior to an EIS

Senate Committee on Judicial and Labor

Senate Committee on Transportation and International Affairs

Senate Committee on Energy and Environment

Wednesday, October 24, 2007, 10:30AM, Capitol Auditorium, 25 copies

Aloha mai e na Kenekoa o Hawai'i,

ʻO au iho nō kēia ʻo Kāwika Winter. He kupa au nō kēia ʻāina nei o Oʻahu. ʻO Waiʻalae kuʻu one hānau. I Kaimukī a i Palolo au i kuʻu mau lā uʻi. Ke noho lā au ma Kauaʻi i kēia mau lā i kupa no kēlā ʻāina ma ō, ma ka ahupuaʻa o Hāʻena.

ʻĀhewa au i ka pila e hoʻolana ai i ka Superferry ma mua o ka lawelawe ana i kahi EIS. ʻO ia mea ʻo ka Superferry he mea hewa kēia no ka ʻāina. No ka poʻe e hoʻōla nei i ka pono o ka ʻāina, he mea kū nō i ka hewa. ʻO mākou no kēia, nā kupa o ka ʻāina, nā kamaʻāina, a pau pū me nā kānaka maoli. ʻO mākou ka poʻe aloha ʻāina, ka poʻe e kūpaʻa nei ma hope o ka ʻāina, ka poʻe e mālama nei i ka ʻāina, ka poʻe e hoʻōla nei i ka ʻāina. Iā mākou, he hewa maoli no ka Superferry i ka ʻāina, he mea ia e hoʻolaha aku ai i nā ino a pau a laha aku i ka pae ʻāina o Hawai'i. He mea ia e hoʻopau ai ka pono o ka ʻāina.

ʻO kuʻu manaʻolana, e hoʻopiholo ana ʻoukou i kēia pila. Pono kahi EIS ma mua o ka hoʻolana ʻia aku o ia moku hewa, ʻo ia hoʻi ʻo Superferry.

Me ke kūpaʻa aku ma hope o ka ʻāina,



Kawika Winter

Hāʻena, Haleleʻa, Kauaʻi

testimony

From: Maury on Maui [maury@mauryonmaui.com]
Sent: Wednesday, October 24, 2007 9:11 AM
To: testimony
Subject: NO special Superferry legislation, pls

Requiring an Environmental Impact Statement, oversight Task force, etc.

Please distribute copies to the Senate members. Mahalo.

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project **BEFORE** allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.) At the very least, please don't put the Governor in charge of the oversight process. She has not demonstrated that she is capable of handling such an important task as she seems to care more about the special interests of this one business more than she cares about Hawaii's environment.

There seem to be concerns about our image in attracting business to Hawaii over the Superferry fiasco. This is not a reason to make a new law or exemptions to existing environmental law unless it can be proven the law doesn't work. Running the ferry during the EA won't prove the law doesn't work & may prove how well it was supposed to work if damage is done. Maybe our state should do a better job up front on rules & regulations & err on the side of being overly cautious with projects affecting our precious island environment & lifestyle so we don't look foolish on the back end. Would we look better as a state if business investors thought of Hawaii as a place where people could come to do business by rampantly getting away with rules & regulations – or maybe even get a special law written just for them to do business? Maybe if we had a reputation for being an easy place to do business that was overly concerned about the environment - because we all do acknowledge its importance to our economy & lifestyle - we'd attract businesses that were concerned about the environment as well & get us moving towards the

sustainability we seem so interested in but don't seem to take actions that reflect that belief. What a unique idea. Attracting businesses that were pono, had their hearts in the right place, & their profits stayed here. Hmmm. I wonder what kind of Hawaii that would create? I bet most of us would like to find out.

I'm sorry for the people that lost their jobs. I wonder if the Superferry told them that pending litigation might cause that to happen at the time of their hiring? I think over 300 jobs - & a lot more than that - would be lost if one invasive plant or animal arriving on the Superferry wiped out one important food crop. Let's do the assessment first & malama aina like we're sposta. Maybe our governor or DOT Director should apologize to Superferry for the mixed signals they were given.

Maury King
3500 A Kehala Dr.
Kihei, HI 96753

808-874-5955

No virus found in this outgoing message.

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Version: 7.5.488 / Virus Database: 269.15.10/1091 - Release Date: 10/24/2007 2:31 PM

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement,
oversight Task force, etc.**

**DATE: Wednesday, October 24, 2007 TIME: 10:30am PLACE:
Auditorium**

Please distribute 35 copies to the Senators. Mahalo.

FROM: Fax Pages: 1
Patricia Gardner
PO Box 624
Haiku, HI 96708
808.573.1213
spirit@maui.net

**THE SENATE-THE TWENTY-FOURTH LEGISLATURE-SECOND
SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

**MY POSITION: Please honor the Court's decision to require an
Environmental Review of the HDOT Harbor project BEFORE
allowing the Superferry to operate. If you pass this bill, please
include the 29 conditions proposed by the Maui delegation
(based on the court testimony during the recent trial.)**

My Testimony:

**I do not support the Superferry. There is something very dishonest
happening, trying to push this legislation through, overriding court
decisions, without the support of the people. There needs to
adequate environmental impact research done to determine how
this will effect every part of life that will be affected by it.**

Sincerely,


Patricia Gardner

Opposition Relating to SB 1

Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Chris Moore, 1792 Pee Road, Koloa, HI 96756

Tel: 808-742-2868

Email chris@poipubeach.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate.

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

I am not opposed to Ferry's. I have been on the one that runs from Washington state to Vancouver Island. It was a wonderful mode of transportation. I'm opposed to the way this project was shoved down our throats without asking permission. Asking permission is the Hawaiian way. I was flabbergasted when I read a quote from Governor Linda Lingle it read, "The people of Hawaii will just have to live with it." This was my first inkling that the Ferry was even considered to run!

I'm hoping that legislatures, community and any other agencies/organizations can come together for the betterment of all.

Mahalo for your time and consideration. Hawaii's environmental future depends on your decision.

Elle Cochran
553 Office Rd.
Lahaina, HI. 96761

808-281-7709 elle.cochran@vacationclub.com

Fax to: Senate Sergeant-At-Arms Office at 586-6659

Keep the Super Ferry!
Make it legal.

This will help all islands economies.

Also, don't buy into the hype of the environmental study. Look at the obvious, those huge Cruise Liners and Barges are easily 4 times the size of the Super Ferry.

Don't let us fall into the trap of being a bad place for business.

We need to diversify our economy as much as possible and this is a form of competition that adds to the health of our economy.

If it is meant to be then the public will use it. If it is meant to go out of business, then the public will not use it. Do not kill it before it's had a chance.

Thanks for listening and taking action.

-Jeff Orig
Tax Payer

Dear Senators:

Please consider the following before making your decision as to whether or not Hawaii Superferry should be required to prepare an EIS prior to the commencement of service:

- 1) Are the fares and schedules truly affordable and convenient for local families? Please do a quick cost comparison for a family of four as your basis.
- 2) Kaloko-Honokohau National Historical Park testified that an EIS should be done prior to Hawaii Superferry commencing service
- 3) 32.7 seconds per vehicle is what will be allowed for inspections using Hawaii Superferry's projection of 110 cars per sailing. Can a thorough inspection really be done in this period of time?
- 4) NOAA (National Oceanic and Atmospheric Association) recommends speeds no faster than 13 knots when whales are present.
- 5) The students of Kanu o ka 'Aina will be losing Kawaihae Harbor as their study site.
- 6) Traffic mitigations that should have been in place at Kahului Harbor prior to Hawaii Superferry starting service weren't put in place until DOT was ordered to do so by the Court. Had the judge not ordered this to happen, it is very likely that it would not have been done.
- 7) Do we want a company that chooses to disregard and circumvent our laws in order to operate their business?
- 8) Overturning the Courts' decisions will send the wrong message to everyone about the dependability of the laws in the state of Hawaii.
- 9) If Hawaii Superferry is allowed to operate while preparing an EIS, make certain stipulations are in place to help mitigate potential problems during this trial period.
- 10) Have you performed due diligence in order to know the facts so as not to base your decision on hearsay?

Mahalo,



Jeff Sacher

Fax: 1-800-586-6659 or 1-808-586-6461

Relating to SB 1 Relating to Transportation

Requiring an Environmental Impact Statement, oversight Task force, etc.

DATE: Wednesday, October 24, 2007 TIME: 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: My Name Gail Swanson

My Address 1123 Kauhikoa Rd., Haiku, HI 96708

Telephone: 808-205-0816 Email: Gswan0628@aol.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

Please DO NOT create any new laws that would allow the Hawai'i Superferry or ANY new, fast moving vessels to operate without having completed an environmental assessment FIRST.

Laws have been ignored and broken under this administration and the people responsible will have to answer for this. It is time to wrong a right and respect the law and judicial system.

Maui is one of the most beautiful places in the U.S. and the residents here will not tolerate a blatant disregard for the environment. When big business disrespects the

environment in a place like this, it can not go unnoticed and unpunished. Linda Lingle and those who allowed the Superferry to be exempt from an EA in the first place, should be brought up on criminal charges.

Thank you,

Gail Swanson
Haiku, HI

A handwritten signature in black ink, appearing to read "Gail Swanson". The signature is written in a cursive style with a long horizontal flourish at the end.

testimony

From: Eric N. Badua-Fernandes [nahonooiilani@gmail.com]
Sent: Wednesday, October 24, 2007 9:35 AM
To: testimony
Subject: Superferry support

Aloha My name is Eric Badua-Fernandes I support the Superferry it should be running asap it helps our economy for tourism as we as local support for everyone can go different islands visit Ohana and of course spend money. It's going to cost the tax payers more money while it waits, let it run while the Eas is in progress, what's the difference from the Norweigen ships going to neighbor islands weekly.
Mahalo Eric Badua-Fernandes 388-2418

testimony

From: Andrea Brower [andrea@malamakauai.org]
Sent: Wednesday, October 24, 2007 9:34 AM
To: testimony
Subject: Superferry: A'ole!

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

NOTICE OF HEARING

DATE: Wednesday, October 24, 2007

TIME: 10:30 a.m.

PLACE: Auditorium State Capitol
415 South Beretania Street

A

G E N D A

**Notice is hereby given that the Committees will be hearing a Senate Bill, that will be introduced at the convening of the Second Special Session of 2007 on Wednesday, October 24, 2007; and pending a referral to JDL/TIA/ENE. The subject of this bill will be 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. The 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. **

Note: Copies of the proposed bill will be available online at www.capitol.hawaii.gov.

Decision Making to follow, if time permits.

Persons wishing to testify should submit testimony in one of the following ways at least 24 hours prior to the hearing:

- In person: one (1) copy of their testimony to the committee clerk, Room 219, State Capitol.
- By fax: Testimony may be faxed if less than 5 pages in length, to the Senate Sergeant-At-Arms Office at 586-6659 or 1-800-586-6659 (toll free for neighbor islands), at least 24 hours prior to the hearing. When faxing, please indicate to which committee the testimony is being submitted, the date and time of the hearing, and the number of copies needed for submittal.
- By Email: Testimony may be emailed if less than 5 pages in length, to the Legislature's Public Access Room at

10/24/2007

testimony@capitol.hawaii.gov. Please indicate to which committee the testimony is being submitted, the date and time of the hearing, and the number of copies needed for submittal. In addition, please provide the testifier's name and mailing address in the email. Email sent to individual offices or any other Senate office will not be accepted.

If you require special assistance or auxiliary aids or services to participate in the public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the committee clerk 24 hours prior to the hearing so arrangements can be made.

Public Folder. A folder labeled "Public Folder" containing the measures and testimonies for the hearing will be available for shared use by members of the public.

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT 586-6460..

Senator J. Kalani English, Chair
Senator Brian T. Taniguchi, Chair
Senator Ron Menor, Chair

TESTIMONY:

Aloha,

My name is Andrea Noelani Brower and I was born and raised on Kaua'i. I was in the water the night the superferry was forced to turn around. In the water that night there were doctors, lawyers, construction workers, farmers, landscapers, professors; young and old; kanaka and hoale--there were no lines. And it was a beautiful night, because as we all sat chanting under the hoku moon we were united by one thing--our love for Kaua'i, our home.

We have followed all of the proper legal channels to insure the protection of the 'aina. The law is clear, as Judge Cordoza explained so eloquently in his ruling. Yet, now a special session is being held to circumvent our most important environmental law. And for what? For a corporation and administration that have been deceitful and dishonest from the beginning!

If this bill passes, people will be irate that our lawmaker have the audacity to make a mockery of our laws. As the past three hearings proved, there is a large, committed, and impassioned group of neighbor islanders that opposes this bill. They feel disrespected and slapped in the face. If you allow that navy ship to enter Nawiliwili harbor, you will be party to what I fear will turn into one of the ugliest scenes in Hawai'i's history.

We are not terrorists or criminals. We are people with the conviction to stand up for the aina. We ask you to join us in upholding our laws, our constitution, and our state motto that you were sworn in by: "ua mau ke ea o ka aina i ka pono."

Mahaloa,
Andrea Noelani Brower
PO Box 220 Anahola, HI. 96703

testimony

From: Monica Evans [MonicaEvans@hawaii.rr.com]
Sent: Wednesday, October 24, 2007 9:33 AM
To: testimony
Subject: SB1 Support

Monica Evans
95-223 Auhaele Loop
Mililani, HI 96789

Date: Wednesday, October 24, 2007

To: Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
Committee on Judiciary and Labor

Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair
Committee on Transportation and International Affairs

Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair
Committee on Energy and Environment

From: Monica Evans
808-625-0112
monicaevans@hawaii.rr.com

Re: SB 1

I am testifying in strong support of SB 1.

I was a passenger on the very first voyage of the Superferry to Kaua'i. It was very "user friendly" for families.

Given that we are an island state, it just makes sense that alternate forms of transportation be available to our families. The Superferry is an excellent way to do this very thing.

I strongly urge you to pass SB1.

Thank you for the opportunity to provide testimony.

testimony

From: Gayle Hughes [hughesg007@hawaii.rr.com]

Sent: Wednesday, October 24, 2007 9:27 AM

To: testimony

Subject: Senate Hearing 10/24

This may not be in time but I want to voice my opinion in favor of allowing the Superferry operate as soon as possible. *Please do not let the minority rule on this.* It would be a huge blunder on the part of our State to not allow this new service.

Gayle & Michael Hughes
Kalaheo Kauai

10/24/2007

testimony

From: PFierroRob@aol.com
Sent: Wednesday, October 24, 2007 9:24 AM
To: testimony
Subject: please submit

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo.

FROM: My Name Phyllis Robinson, 3505A Malina Place, Kihei, HI 96753

Tel: 8 874-1239 **Email:** pfierro@aol.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

See what's new at AOL.com and Make AOL Your Homepage.

testimony

From: Marcia Godinez [marciasemail@earthlink.net]
Sent: Wednesday, October 24, 2007 8:59 AM
To: testimony
Subject: RE: SB 1 Relating to Transportation

RE: SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, Oversight Task Force, etc.

Date: Wednesday, October 24, 2007
Time: 10:30 am
Place: Auditorium

Please distribute 35 copies to Senators.

~Mahalo

From: Marcia Godinez
146 Kono Place, Kahului, HI, 96732
808-877-7254

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007

COMMITTEE ON JUDICIARY AND LABOR

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

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

Please honor the Court's decision to require an Environmental Review of the HDOT Harbor Project BEFORE allowing the Superferry to operate.

Please DO NOT allow this Administration's illegal policy of entitlement to proceed. Please DO NOT violate our State Laws and the Court's rulings.

testimony

From: Barb Morgan [bmorgan@punahou.edu]
Sent: Wednesday, October 24, 2007 9:19 AM
To: testimony
Subject: Testimony in support of the Ferry

For the Senators at 10:30 on October 24 and Representatives at 9:00 on Thursday, October 25:

I submit this testimony in support of the Ferry. I believe a special session is warranted and that measures be included that take our environmental concerns seriously but allow these islands to better utilize our ocean as a critical link between our islands.

I support the creation of an alternative source of travel between our islands. I believe that it is actually late in coming and an important resource for our island communities – all of them.

I personally am very concerned about our sustainability as we face global changes. Our family has made many changes here and on the Big Island, and in fact, we all work in areas where we are trying to facilitate major ecological changes in education, architecture, management of our native species, and the way all of us live our lives.

This issue has been so divisive, and there is not agreement even in our family, but I believe the ferry may become a lifesaver alternative at some point. When I think about what it takes to lift a planeload of people off the ground and what will happen when the oil and gas resources are gone or so limited that tough choices have to be made, our islands could become very isolated without ocean travel. I also believe it will be more likely that boats and ships will have developed other sources of propulsion.

Many may feel those scenarios are impossible, but I believe that we have not grasped the magnitude of the challenges ahead of us. I think the ferry is an important alternative for our communities.

We actually abandoned ocean travel of our ancestors and have worshipped the airlines. They offer extraordinary convenience and comfort – but at what cost? If the issue is too many people, why aren't the protestors limiting the number of planeloads that fly back and forth?

Invasive species are an enormous challenge for all of us. As we have seen, they are almost impossible to contain. I would hope that all the people "venting" that the ferry will be the ultimate culprit will spend more time working in their communities to take out and curtail those that are already there and really show that they care about this problem in Hawaii.

Our frustrations with over-development, crowded roads and housing, economic instability and widening disparity, and extraordinary challenges in all our precious natural resources will certainly present divisive situations with the potential to boil over. I pray that we can remain civil to each other. I have chosen not to testify and be subject to the horrible disrespect shown by ferry protesters, but I feel it is time to make my statement at least in writing.

Barb Morgan
Manoa

(2891 Oahu Avenue, Honolulu HI 96822 – day phone 944-5845)

testimony

From: pjdukesphd@aol.com
Sent: Wednesday, October 24, 2007 9:19 AM
To: testimony
Subject: Superferry

Aloha,

Please accept my testimony in support of the Superferry.

My reasons are rather unique, but not unimportant.

I am the owner of a nationally accredited Community Based Day Treatment Program that specializes in the diagnosis and treatment of children with autism and related neurological disorders. Hawaii, has attempted, under the federal Felix Consent Decree, to build capacity to serve these children. Although it partially succeeded on Oahu before federal monitoring ended, there are almost no adequate services on the neighbor islands. I am relatively certain that this is true for most medical services as well.

When families, who have limited resources, are forced to travel here to Oahu to access services, it is expensive and inconvenient. The Superferry could make it less so. While Hawaii needs to continue to help its neighbor islands to have better access to these services, it must do what it can, in the meantime, to accomodate their needs. Running the Superferry could help. It should be available to them.

Thank you for considereing the needs of those outer island residents who may be unable to speak up for themselves.

(As an aside, my daughter who recently graduated in Biology/Pre-med from the University of Hawaii, has convinced me that any negative environmental impact, if one exists, is far outweighed by other ocean pollutants that would be worthwhile fixing with the money and attention being given to this project.)

Patricia J. Dukes, Ph.D., CCC/SLP

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

testimony

From: Jane Taylor [taylorj021@hawaii.rr.com]
Sent: Wednesday, October 24, 2007 9:19 AM
To: testimony
Subject: Re: Hawaii Superferry

Honorable Hawaii.gov.

Please Make an EIS mandatory before Superferry resumes sailing in Hawaii waters, and the Neighbor Islands; Big Island, Kauai, Maui.

You can do no better than support your beautiful home and its precious and unique environment.

My most sincere thank you for the work you have done and the effort you have made and will continue to make. You will have done the right thing.

God Bless You All,

Jane Taylor,
kauai resident and home owner.

access2

From: Lance Holter [holter@maui.net]
Sent: Tuesday, October 23, 2007 9:44 PM
To: testimony
Subject: no special session for HSF

Dear Senators

Instead of our tax money being spent on a special interest sessions to circumvent environment protection laws, our tax dollars that the public pays you should be spent on health care (including dental) for ALL the children in the state of Hawai'i!

Enough already with trying to ignore and disrespect the Supreme Court's and our local court's final decision to conduct an independent Environmental Impact Statement before the superferry operates anywhere in Hawai'i.

Ave Diaz
P.O. Box 791813
Paia, HI 96779
ave@mfss.org

10/24/2007

Testimony in Support of the Hawaii Superferry

Dear Senators,

I attended the hearing you had on Maui yesterday and I was one of the 80 or so individuals who were not able to testify due to lack of time. I appreciate your time and sacrifice in sitting through hours of testimony. I listened to all but the first 15 minutes and stayed until the end, and what was most distressing was the often rude, inconsiderate behavior of the people opposed to the ferry. I spoke today to someone who I had seen at the hearing and he indicated that he had signed up to testify but left early on because he felt very intimidated by the crowd.

I hope you all realize when looking at the faces of the majority of the people who testified against the ferry on all three outer islands, that they are not a representative cross section of our population. Unfortunately many of us "locals" are either unable to take off in the afternoon on a moments notice, working two jobs, and/or are too busy with our young families to come out to voice our opinion. Many of us by cultural upbringing are taught not to "make waves", particularly when there is controversy. This does not mean we don't have an opinion but rather we are not so bold and outspoken to want to speak in front of a crowd, particularly an unfriendly raucous crowd. By contrast, many that I heard speak love the sound of their voice and feel the need to constantly push their opinion on everyone.

One of the major points I wanted to make last night is that there is a lot of criticism claiming illegal actions by the governor, the DOT and the Superferry. There are accusations that they all colluded to break or by pass the law. If this is true then Judge Cardoza would have had to have been party to this manipulation. If the law was so obviously being broken by not doing an EIS then Judge Cardoza would have ruled in the plaintiff's favor two years ago. The fact that after listening to hours of testimony, he ruled in the State and the Superferry's favor says a lot. The way I understand it, it was the Hawaii Supreme Court's interpretation of the law that reversed everything. With this new interpretation of the law, Judge Cardoza had no choice but to change his ruling.

I hold Judge Cardoza to the highest regard and would never question his honesty and integrity. It seems clear to me that there are no "bad guys" or illegal actions here, after all if a judge told any one of you it was alright to go forth with your plan wouldn't you feel you had a legal right to do it?

Please don't play partisan politics with this issue, it is too important. Please do the right thing and allow the Superferry to continue operations while the state does an environmental review. Don't punish them for following the law when Judge Cardoza initially ruled in their favor.

With much Aloha,

Miyo Miyasaki-Kim D.V.M.
824 Aukai Place
Wailuku, Hawaii 96793

access2

From: Serena Akmatak Dos [sdos@campus.hpu.edu]
Sent: Tuesday, October 23, 2007 9:32 PM
To: testimony
Subject: Legislature's Public Access Room

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

NOTICE OF HEARING
DATE: Wednesday, October 24, 2007

TIME: 10:30 a.m.

PLACE: Auditorium
State Capitol
415 South Beretania Street

A G E N D A

Notice is hereby given that the Committees will be hearing a Senate Bill, that will be introduced at the convening of the Second Special Session of 2007 on Wednesday, October 24, 2007; and pending a referral to JDL/TIA/ENE. The subject of this bill will be 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. The 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.

>I would like to support the operation of the Superferry in the Hawaiian Islands. This will boost Hawaii's economy by creating jobs and provide an alternate transportation. Where is the "Aloha" when almost 300 locals had to be laid off from the Superferry because it is not in operation as it was scheduled to operate? I remember seeing the picture of a lady crying because of the lay off, from an article of the Star Bulletin.

The islands depend on the tourism to boost the economy, from the hotels to the auto rentals and down to local employees who work for these companies. In turn, restaurants and shops benefit from the tourists too, and employees benefit so they can continue to make their living.

Ferry systems are essential to islands as the one of the means of transportation. Major cities of European and Asian countries utilized and benefit a great deal from the ferry boats for many decades.

I am in full support for the operation of the Superferry. Thank you for the opportunity of my testimony.

Serena Dos
sdos@campus.hpu.edu
PO Box 4421
Honolulu HI 96812

access2

From: Mcgjtaylor@aol.com
Sent: Tuesday, October 23, 2007 9:32 PM
To: testimony
Subject: Superferry

Gentlemen and Ladies,

The future of our state is at stake on the superferry issue. When I was on the mainland, people I did not know were asking what is wrong with Hawaii. The vast majority of people want the superferry. May I respectfully ask that you work for the people of Hawaii and figure out how to get this accomplished.

Thank you

Mike Taylor

"The best thing about the future is that it comes only one day at a time."
Abraham Lincoln

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10/24/2007

access2

From: LGrace9427@aol.com
Sent: Tuesday, October 23, 2007 9:31 PM
To: testimony
Subject: save the supper ferry

Hello My name is Laverne Grace

I've lived here in Honolulu Hawaii all my life. I'm 57 years old. I was very lucky. I got to ride the supper ferry on the Monday to Maui early in the Morning. As we left Honolulu pier the water was so nice. The beauty of leaving that harbor that morning was picture perfect, and seen Aloha tower as we moved out to sea was nothing but beauty calming relaxing and I was in a trance.

Once we past the boohie the ferry came up out of the water so graceful and smooth. It felt like we were riding in a very plush Cadillac. I sat about mid way on the ferry on the right hand side. It was so beautiful cutting threw the water. We had been on the ocean for about fifteen to twenty minutes, when I saw all these white birds flying along side of the boat at a distance. Than I saw all these fish jumping out of the water as if they could here the ferry coming, but it was so nice and the people sitting behind me were saying look at the fish they know were coming they got out of the way. When we got into the Maui harbor the scenic views of the mountains cliffs from Molokai was breath taking. I've got beautiful pictures on this wonderful day that I enjoyed so much riding the Ferry. This is one thing that I've done in my life that I'm so very proud to have the road the Supper Ferry. I only wish and Pray that everyone else can enjoy it like I did, and to see our Beautiful Hawaii that we call our home.

Laverne Grace

91-1504 Halahanano Street

Kapolei, Hi 96707

PH; 808-306-2249

PS: Please save the Supper Ferry and Keep It here for the people of Hawaii...

Thank you

See what's new at AOL.com and [Make AOL Your Homepage](#).

access2

From: Annacarmen [annacarmen@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 9:31 PM
To: testimony
Subject: Superferry testimony

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Ivona Xiezopolski
45-180 Mahalani Pl. 7

Tel 236-3648

Email annacarmen@hawaii.rr.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. However, I strongly oppose allowing the Superferry to operate without the EIS first. It is the law. Please honor the law.

access2

From: curt oishi [curtsoishi@yahoo.com]
Sent: Tuesday, October 23, 2007 9:04 PM
To: testimony
Subject: Committees JDL/TIA/ENE re: Super Ferry

Dear Senators,

I am writing in support of the Super Ferry. Hawaii is in dire need of an alternative source of transportation and the benefits outweigh the negatives. We must take advantage of this opportunity.

It may NEVER come again. Please support the Super Ferry.

Thank you,
Curt Oishi
Hilo, Hawaii

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

access2

From: L F [solecare88@yahoo.com]
Sent: Tuesday, October 23, 2007 9:24 PM
To: testimony
Subject: Ferry

To whom it may concern,
I give my vote for the Ferry to be here.
Warm Wishes,
Linda Friedman

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

access2

From: Mona Bonbright [monalisa@hawaii.rr.com]

Sent: Tuesday, October 23, 2007 9:26 PM

To: testimony

Subject: Support the Superferry

The Superferry will provide an excellent alternative inter-island transportation option for the State of Hawaii. Additionally, the Superferry can be used if and when it would become necessary to evacuate people from an island in case of an emergency. It is my opinion that legislation should be passed to allow the Superferry to operate.

As to the issue of cross contamination between islands by autos exiting the Superferry, this is a preposterous concern. *Airplanes fly between islands, other boats sail between islands, why single out one particular organization to make this an issue.*

Thank you

Mona Bonbright
Waianae, HI

10/24/2007

testimony

From: Esther Pahukoa - HI [epahukoa@drhorton.com]
Sent: Wednesday, October 24, 2007 9:07 AM
To: testimony
Subject: Superferry Testimony

May be a bit too late for my testimony but I just want to say that the Superferry is a good thing for Hawaii. More jobs for the people of Hawaii. I would definitely utilize the Superferry any day. How convenient it is to travel to the neighbor islands and not have to rent a car? Huge savings there.....who wouldn't want this? The car rental companies, of course. And how easy it would be to take goodies from Oahu to our families on Maui....without shipping it....again, huge savings. Must be the shipping companies against this too.

Anyway, I hope the Superferry pulls through all these legalities so that people can get their jobs back and we can actually start taking advantage of its benefits.

Thank you.

Signed,
Esther

10/24/2007

access2

From: Susan Hashimoto [hashimots001@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 9:25 PM
To: testimony
Subject: SUPERFERRY

I want to cast my vote in favor of the Superferry. I believe the benefits of such a ferry outweigh the drawbacks.
Thank you.

access2

From: Cheryl Tamayo [ctamayo001@hawaii.rr.com]

Sent: Tuesday, October 23, 2007 9:22 PM

To: testimony

Subject: SuperFerry YES!

Aloha,

I am a Native Hawaiian born and raised in Hawaii. My mother side from Maui and my father's side from Big Island. I Live on the island of Oahu. This Superferry will be the best thing that could happen to us, not only will it save us money to travel from one island to the next to see our families but it will be very convenient, using our own cars. The car rental companies, hotels and airlines would probably be the only business that would not like it. But the people would enjoy it. It would make life easier and save money.

Thank You,
Cheryl

10/24/2007

testimony

From: J.Lamont [juliet@creekcats.com]
Sent: Wednesday, October 24, 2007 8:44 AM
To: All Senators; All Reps; testimony
Subject: Oppose Hawaii Legislative Session to override the Hawaii Superferry Court Rulings.

We oppose the Hawaii Legislative Session to override the Hawaii superferry court rulings. Please require the preparation of a full Environmental Impact Statement, as federal law demands.

Why?

The superferry is bad for whales. The 350' long 1400 Ton twin hulled catamaran HSF runs at 42 MPH through the federal Humpback Whale Sanctuary where 8,000 humpback whales come to give birth each year.

It's bad for tourism. People will see that Hawaii disregards environmental law, and dismisses the benefits that a healthy environment and wildlife bring to Hawaii's economy. We are two of the tourists who have come to Hawaii over 8 times in the last 10 years, spending money and bolstering your economy with every trip.

We come specifically because of your beautiful environment and wildlife. We will stop supporting your state as soon as you take actions (like implementation of the superferry) to destroy those natural treasures. There are too many other places that are devoting themselves to responsible eco-tourism and environmental restoration, to waste our hard-earned dollars on a state that neglects - and outright destroys - its valuable natural assets.

The superferry will spread invasive species such as, fire ants, varroa bee mites, stinging caterpillars, foreign algae, coqui frogs, gall wasp, etc.

The superferry will enable hundreds of trucks each weekend to camp on Kauai, Maui, and the Big Island, allowing extreme growth in activities that pressure and destroy natural resources, such as skin diving to fish and raid rural communities and pristine ecosystems of their biological resources.

A full Environmental Impact Statement (EIS) on the superferry is imperative for analyzing these (and the many other) impacts that the superferry would have on Hawaii's environment. Moreover, a full EIS is required by law, and would allow for true analysis of environmentally beneficial alternatives to the superferry, or avoidance of superferry implementation altogether.

Please require that an EIS be completed, with full alternatives and mitigations analysis.

Sincerely,

Juliet Lamont and Phil Price
2249 Glen Ave.
Berkeley, CA

access2

From: Craig Smith [tututema@clearwire.net]

Sent: Tuesday, October 23, 2007 8:32 PM

To: testimony

Subject: Superferry

We are totally in support of the Superferry. It will be pitiful, abysmal and extremely shortsighted if this resource is not allowed to remain. *Why do you let a few vocal bullies hold you, and the people of Hawaii, hostage??*

Craig and NormaJane Smith

700 Richards St.

Honolulu, Hi. 96813

8082865936

access2

From: Thomas Mun [munt001@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 9:18 PM
To: testimony
Cc: Mavan & Wynne Wakabayashi; Ruti; Les; Holly Bohreer; 'Dottie'; Bobby Choy; Babara Zamparali; Adrian Lau
Subject: SUPERFERRY

To Whom It May Concern:

I firmly believe that the Superferry will benefit Hawaii economically. What I can't understand is why there is hesitancy by the Legislators to pass the bill to permit the Superferry to operate while the EIS being prepared just because of a few noisy demonstrators and super conservative environmentalists.

In an unscientific poll among my colleagues and friends, all of them saw the benefits of having the Superferry. My feeling is that while hundreds attended the hearings to demonstrate their opposition to the Superferry, thousands of those who were for the Superferry did not attend.

Rick Hamada, in an article in Midweek, pointed out that the Senate considered Senate Resolution 79 (SR79) in 1994. The resolution was supported by neighbor island Senators Roz Baker, Lorraine Inouye, and Gary Hooser. The resolution adopted in April 16, 2004.

I'm not sure what the noisy demonstrators are all about, but I'm sure that the environmentalists would probably be protesting construction of H-1 and H-2 (the freeways) if that was up for debate instead of the Superferry.

Also, failure to pass the bill that will permit interisland ferry service in Hawai'i while an environmental impact statement is being conducted may expose Hawaii to financial liability and risk of a law suit.

Sincerely,
Thomas Mun
294-8715

10/24/2007

access2

From: lkaikakiwini@aol.com
Sent: Tuesday, October 23, 2007 9:16 PM
To: testimony
Cc: ptacpal75@hotmail.com; hiwismommy@hotmail.com; mtaa2gd4u@hotmail.com; hawaiiangirl702@hotmail.com; arleenbailey@hawaii.rr.com; dbell1963@yahoo.net; mauichitchat@yahoo.com; molokai1999@hotmail.com; argyllionaire@yahoo.com; 1corrine@earthlink.net; Lostsucks79@aol.com; sherrifreemangarza@gmail.com; Kaqmaui@cs.com; lisag@sandwichisles.net; yvonneg@hawaiiintel.net; colleen.hammer@gmail.com; dhedani@mail.intracorp.com; ch.omoto@hotmail.com; lkaikakiwini@aol.com; kaylins@hawaiiintel.net; kehau13@hawaii.rr.com; aliah262002@yahoo.com; tiannamanago@hawaiiintel.net; barry.nancy@hawaiiintel.net; jymori@maui.net; kazuko@maui.net; Janice.Paney@HawaiiSuperferry.com; ginazx3@hawaii.rr.com; angie@mountainslopewater.com; KULASTARRYNOC@aol.com; pkwojcieski@yahoo.com; wongc045@hawaii.rr.com; tony_yago@hotmail.com; a.yamamura@hawaiiintel.net; John.Garibaldi@HawaiiSuperferry.com; Duane.Kim@HawaiiSuperferry.com; Terry.OHailoran@HawaiiSuperferry.com
Subject: Pro Superferry

Aloha,

Thank you for taking the time to read my following statement. I know all of you are very busy and overwhelmed by the testimony of our fellow citizens.

First I am a furloughed employee of the Hawaii Superferry. This was my sole source of income. My wife does also work. I have three wonderful keiki ages 15, 9, and 7. I have always dreamed of being able to get to all our islands with my Ohana. Flying is hard, expensive, and difficult with keiki. Having to rent cars or trying to take the bus, is hard with 5.

I strongly support this company and our fellow workers. Not just because I work for them. I have been waiting for this since I knew about this project. I do not think it to be fair, to let these few "green people" tell us what we can and can't do. I PROBABLY DO MORE FOR THIS COMMUNITY THAN ANY OF THEM.

I have been part of AYSO (American youth soccer organization) now for six years. This is a non-profit organization. I volunteer my time as a coach and a referee. I am also certified as a USSF (United States Soccer Federation) official. I Referee for MYSO (Maui Youth Soccer Organization), HYSA (Hawaii Youth Soccer Association), and I am also an official for the MIL (Maui Interscholastic League) . I also hold a NFHS (National Federation of High Schools) membership for soccer officiating.

I give back to what's important to me, our community and our Ohana. What a great option for our sports teams to be able to travel together with equip. in such a wonderful way.

I can't express to you enough, how important this is to everyone I come in contact with. From Coaches, Referees, Players, Co-workers, Friends, and Ohana. I have heard from all of these arenas but only one thing, " How sad this is to have happened to something that is so important to so many." Please don't let " THE CLASS CLOWN " ruin this for everyone.

Thank you for your time,
 Mahalo Nui Loa

Steven T Phander
 305 B. Makua St. Wailuku Hi
 (808) 298- 7211

access2

From: Scott Yamaguchi [syamaguchi579@clearwire.net]
Sent: Tuesday, October 23, 2007 8:44 PM
To: testimony
Subject: Superferry

I feel that the Superferry will change the way people travel for leisure and business between the islands. The Superferry will also drive competitive pricing similar to Go Airlines and also provide hundreds of new employment opportunities. Competition is healthy for business as it keeps them honest and gives the best value for the people of Hawaii.

On a personal level, I'm a business professional by day and a drag racer by heart. With the closure of Hawaii Raceway Park, the Superferry gave members of various organizations a convenient way to transport trailers loaded with our vehicles/motorcycles to the neighbor islands for races (Raceway Park on Oahu is another huge battle!). On the business aspect, I work for Hawaii's Best Telecommunications Company who supports businesses on all islands. Transporting equipment in company service vehicles aboard the ferry would possibly decrease operational shipping costs.

Environmentally I don't understand why it has been a great deal when other vessels are already making trips between islands and harbors. I think the greater issue is monitoring items within vehicles being shipped.

I support the Superferry.

Thank you for your time.

S.Yamaguchi

access2

From: Alan Christopher [alanjc@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 9:13 PM
To: testimony
Subject: Super Ferry

We need to support the Super Ferry in Hawaii. It will help tourism and local residents as well. And it will bring the island closer together to make for a strong overall economy.

Alan Christopher
4583 Kolohala St.
Honolulu, HI 96816
221-7126

testimony

From: Randal McEndree [randurandu@hotmail.com]
Sent: Wednesday, October 24, 2007 9:14 AM
To: testimony
Subject: Superferry

Mahalo for the opportunity to make comments! I wish that this opportunity had come much earlier. *Operating the Superferry during the EIS subverts the very reason for the EIS: the parties that are for the Superferry's permanent operation will use the EIS time to justify the Superferry's viability, creating a circular argument FOR permanent operation.*

This is a self-justifying precedent and the Superferry supporters will say: "Look, we operated during the EIS period and now we should be allowed to continue to operate—no matter how the EIS turns out. This is a bad precedent for the State of Hawai'i, too; it avoids accepting responsibility for the wrongly-given go ahead and tries to buy time, and approval, by "kicking the can down the street" – for a different set of circumstances to arise.

Please do not compound the series of mistakes that got us to this pass. As I understand it, the EIS includes a provision for public comment—not the rushed and inconvenient process that now exists.
Randal McEndree, Hilo

MELVIN AH CHING PRODUCTIONS
1560 KANUNU ST. #816 HONOLULU HI 96814 • 808 946-2676 • HTTP://WWW.MACPROHAWAII.COM

October 24, 2007

Testimony for JDL, TIA and ENE Hearing 10/24/07

Honorable Senators of the Joint Committees,

I am submitting this written testimony as a private citizen from my home computer (a Macintosh using my home ISP and email to send this out) to add my voice to many other people in Hawaii in **SUPPORT OF THE HAWAII SUPERFERRY.**

I am certain you've all heard the reasons why the great majority of us support the Hawaii Superferry. My main reasons to support the Hawaii Superferry are:

- Provides Hawaii residents, business and visitors with an alternative method to travel and transport stuff between the islands.
- Another competitive venture in Hawaii's interisland travel and transport market.
- Able to take my vehicle from one island to another and bring it back.
- I will be able to move stuff out of my parents' home at minimum cost and all within the same day of transit.
- Will offer businesses from all islands new markets in which to sell goods and services.
- State of the art ship that needs to be used in this untapped market.
- Can be used in times of emergency to move equipment and supplies from one island to another.

I urge that Hawaii Superferry *Alakai* be allowed to sail between Maui, Oahu, and Kauai as originally planned by Hawaii Superferry Inc. during the EIS process. I also urge that **no restrictions** be placed on Hawaii Superferry operations during this time and in the future.

Thank you for reading my testimony.

Melvin Ah Ching

access2

From: DPTAMALA@aol.com

Sent: Tuesday, October 23, 2007 9:03 PM

To: testimony

Subject: I am for the Superferry

I had seen on tv a program on how it was made. It's a real state of the art vessel. As far as the environment, it is environmentally friendly and even more friendly than cruise ships and maybe even barges. It gives us the consumers another to choose from for interisland travel. Im Hawaiian and i am for it .
Mahalo , David Tamala

See what's new at AOL.com and [Make AOL Your Homepage](#).

access2

From: Tinkle Malama [tinkle@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 8:59 PM
To: testimony
Subject: Hawaii Super Ferry

Aloha, I am writing in support of the Super Ferry. I feel that it would be a great asset to this state. I also think it will open many doors for jobs and another alternative to travel inter Island.

I too have concerns for the Whales and other wild life in our state. I believe that the Super ferry will be cautious during their flights as they don't want to hit a whale either.

I see the potential for the Super Ferry for the kids going on trips with equipment, for sports and other events on outer islands. It is my wish that the Super Ferry would set their prices at an affordable price to all the people of Hawaii.

This would be a great asset to this state.

Mahalo,
Frieda Malama
45-707 Hinamoe Loop A2
Kaneohe, HI 96744

access2

From: Daniel Starsong [strsng@yahoo.com]
Sent: Tuesday, October 23, 2007 8:31 PM
To: testimony
Cc: Dick Boranian
Subject: Superferry meeting in Kona

Hello Senators,

I have just returned from the meeting in Kona, although I did not testify in person, I did leave a written statement. I want to further comment on the meeting and some relevant conversations I've had with others on my way home.

First of all, I'm in favor of the ferry system here.

I feel that it is unfortunate that the state made a law saying enterprizes like this need to complete an EIS before starting up business, then not abiding by their own law. However if you force this business to get the EIS now, before running, they will go out of business before they even got started. That will waste millions of state tax, and federal tax dollars, not to mention the millions that the business has spent. As a tax payer I don't like waste.

If the state refuses to let the ferry operate after it gave it approval for this enterprize, and the company loses lots of money, the state will more than likely get sued for damages, so there is more tax dollars that get wasted.

So as one fellow at the meeting said, "it's only a damm boat, if it doesn't work out you can just make it go away, it's not like you just bulldozed a big chunk of the island to make a new shopping center.

As a doctor friend of mine mentioned, "the best way to figure out what the impact of the boat is, is to run it and monitor what happens." See how many whales get run over, check out the invasive species problem, traffic, and how many rocks from Maui get stolen.

If this ferry system doesn't happen, then ten years from now someone says, why don't we get a ferry system here. What businessman in his right mind would want to risk starting a ferry system here, after seeing what happened to the last guy.

Aloha Daniel Starsong

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

access2

From: David Purkiss [davidpurkiss@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 8:57 PM
To: testimony
Subject: TESTIMONY IN SUPPORT OF HAWAII SUPER FERRY

TO: Legislature's Public Access Room

Senate Committee: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

I'm writing to voice my support for the Hawaii Super Ferry. It is a shameful travesty that the state Supreme Court ruled against the Hawaii Super Ferry in the manner that they did based on the desperate arguments of a small group of activists. In doing so, it collaborated in an act of sabotage against a legitimate and conscientiously planned partnership venture between Hawaii Super Ferry and the State. Hawaii citizens overwhelmingly support the Hawaii Super Ferry. We are speaking loud and clear. Listen to your constituency!

David and Luisita Purkiss
91-1010 Hokunui ST.
Kapolei, HI 96707

10/24/2007

access2

From: Velva Padgett [velvarp@earthlink.net]

Sent: Tuesday, October 23, 2007 8:44 PM

To: testimony

I think they should just forget the cars and ferry cargo like(matson & young brothers) and people.

Velva Ribble- Padgett

808.250.3727 cell

velvarp@earthlink.net

10/24/2007

testimony

From: Kyle Kajihiro [keboi@aol.com]
Sent: Wednesday, October 24, 2007 7:55 AM
To: testimony
Subject: Opposed to Exemption for Hawaii Superferry
Attachments: Superferry exemption bill 07.10.pdf

testimony

From: Sus Shawhan [sus_shawhan@heald.edu]
Sent: Wednesday, October 24, 2007 7:37 AM
To: testimony
Subject: THE EIS is the place for public debate!

Aloha Legislators

AUWE! The Legislature should be upholding laws, not overriding them. Your actions today will echo for generations.

If there is to be any compromise today -- allow the ferry to sail WITHOUT CARS until the EIS is completed.

The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment.

MALAMA PONO

Sus Shawhan
Heald College
1500 Kapiolani Blvd.
Honolulu, HI 96814

955-1500

testimony

From: Kyle Kajihiro [keboi@aol.com]
Sent: Wednesday, October 24, 2007 7:57 AM
To: testimony
Subject: Opposed to Exemption for Hawaii Superferry
Attachments: Superferry exemption bill 07.10.pdf

testimony

From: Dumpnoco2@aol.com
Sent: Wednesday, October 24, 2007 8:01 AM
To: testimony
Subject: OPPOSE Bill to permit operation of Hawaii Superferry!

Committee of Judiciary and Labor

Committee on Transportation and International Affairs

Committee on Energy and Environment

Date: Wednesday, October 24, 2007

Time: 10:30 a.m.

Number of copies: 35

OPPOSE Bill

Testifier name: Gwen F. Ilaban
Mailing address: 76-6182 Alii Drive, Kailua-Kona, HI 96740

See what's new at <http://www.aol.com>

access2

From: Russell Corpis [russellcorpis@hotmail.com]
Sent: Tuesday, October 23, 2007 11:56 PM
To: testimony

Russell Corpis
Hawaii Pacific University

I would like to state it clear that I am not supporting the Super Ferry.

The Super Ferry is taking over once public beaches. These beaches are now private, and became private within two weeks, bot giving regulars enough times notice. Twelve year old beach visitors are being arrested for being present at these newly private beaches because it was their common beach.

i would also like to make it clear that polution on the island will greatly increase. People being able to take their cars to another island is going to greatly affect the environment in a negative way and i do not want to see this happen.

-Russell Corpis
Hawaii Pacific University

Help yourself to FREE treats served up daily at the Messenger Café. Stop by today.
http://www.cafemessenger.com/info/info_sweetstuff2.html?ocid=TXT_TAGLM_OctWLtagline

access2

From: Lauryn Galindo [lauryn@poai.org]
Sent: Tuesday, October 23, 2007 11:30 PM
To: testimony
Subject: EIS First!! No Exceptions

Dear Representatives and Legislators,

I am strongly against the SuperFerry running without an EIS. There should be NO Exceptions, no special sessions. I think it sets a very bad precedent and makes it look as if our state allows illegal actions by special groups and for special interests. It also shows a blatant disregard for the environment and the ecology of our wildlife. Hawaii is one of the most beautiful places in the country and should serve as an example of Environmentalism. Please do not allow powerful politicians and Big Business to influence your decisions.

I attended the meeting held on Kauai on October 21 from 2-8pm but did not give my testimony.

Please submit my Testimony to:

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 AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

Aloha,

Lauryn Galindo

PO Box 982

Hanalei, HI 96714

(808) 639-6543

lauryn@poai.org

testimony

From: Vmcarty@aol.com
Sent: Wednesday, October 24, 2007 8:08 AM
To: testimony
Cc: House Record
Subject: Superferry Please send to all senators and congressmen immediately

Please:

Do not allow the superferry to sail without an EIS.

Do not allow Gov. Lingle to set the environmental terms.

Do not stack a task force with govt. employees, superferry officials and Lingle cronies as they have already shown a lack of good faith.

Any bill passed must have mitigation measures that meet or exceed the judge's decision.

Please review and adopt the 29 conditions proposed but change and add the following:

Do not allow one single car to board the superferry until the EIS is done - let only passengers ride.

Vicki McCarty
P O. Box 12245
Lahaina, HI 96761

See what's new at AOL.com and [Make AOL Your Homepage](#).

access2

From: BrrdyBob@aol.com
Sent: Tuesday, October 23, 2007 11:52 PM
To: testimony
Subject: Superferry

I emphatically support the superferry. I look forward to using it. I hate to fly. I do not think the ferry will harm anything. If it hits a few whales, who cares? I do not think it will make our roads much more crowded. What's a few more cars? I do not worry that our natural resources will be raped. Opihi tastes lousy anyway! Business is good for our state. You can't stop progress. Those naysayers are selfish. Most do not work or are on welfare. They are an embarrassment to our state. The naysayers should move to the mainland if they do not like our superferry! Do not be bullied by negative people who are against everything! HAWAII NEEDS THE SUPERFERRY!

Sincerely,
Robert and Denise Fasciano
Waikoloa, Hawaii

Robert Fasciano R(S)
Century-21 All Islands, Waikoloa
Cell: 808-895-0452
Fax: 808-883-2909
E-Mail: BrrdyBob@aol.com

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testimony@capitol.hawaii.gov

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator J. Kalani English, Chair

Senator Mike Gabbard, Vice Chair

Notice of Hearing

Wednesday, October 24, 2007

10:30 a.m.

Support of the running of the Super Ferry through the Hawaiian waters

I say that the Super Ferry should be allowed to sail and continue voyage through the Hawaiian waters and shouldn't be held up by the environmental department just because they are afraid of accidentally hurting a whale. The ferry won't be doing any more damage than any cruise ships or cargo ships are already running. People are too focused on the protection of whales, as though endangered birds aren't being killed when airports being built destroy their habitation or when they get sucked into the engines of jets. Accidents do happen, but it's not as if the ferry couldn't avoid running into any aquatic mammals like it does avoiding sand bars and reefs. Damaging the vessel, which I believe isn't the agenda or motive, would never benefit the company.

Ryan Karr
46-041 Kuneki Place
Kaneohe, HI 96744

testimony

From: Diana Schommer [dschommer@hawaii.rr.com]

Sent: Wednesday, October 24, 2007 8:09 AM

To: testimony

Subject: For the Superferry

i am in favor of the superferry. please vote to allow the superferry to begin operating as soon as possible. i do not believe that the superferry will hurt the environment as much as the host of cruse ships that are allowed to operate in hawaiian waters. who is really behind the opposition? i believe those people have another agenda and are using the environment and the judicial system to restrict open trade. please vote to give us, the majority of the people, this additional form of transportation between the islands.

thank you.

cliff schommer

testimony

From: Tutuankaneohe@aol.com
Sent: Wednesday, October 24, 2007 8:11 AM
To: testimony
Subject: Superferry

We are in support of the SuperFerry and want to see it happen!

See what's new at AOL.com and [Make AOL Your Homepage](#).

testimony

From: megbazan7720@aol.com
Sent: Wednesday, October 24, 2007 8:11 AM
To: testimony
Subject: Hawaii SuperFerry

Attn: House Committee on Transportation & House Committee on Finance
Date: Thursday, October 25, 2007
Time: 9:00a.m. Auditorium, State Capitol

HB 1 RELATING TO TRANSPORTATION

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

Dear Chairs Souki and Oshiro:

My name is Margaret Ranis Bazan and I strongly support Hawaii Superferry. I believe it is the best alternate means for traveling inter-island for all islanders, as well as Mainland former islanders such as myself who visit Hawaii frequently.

MARGARET R. BAZAN
780 E. CALVADA BLVD.
PAHRUMP, NV 89048

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

testimony

From: Sara.Lorenzo@kp.org

Sent: Wednesday, October 24, 2007 7:49 AM

To: testimony

I support the Superferry !!!!!

NOTICE TO RECIPIENT: If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. Thank you.

access2

From: William Burlingame [buzzboy@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 11:30 PM
To: testimony
Subject: Superferry

ATTN Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Dear Senators. My wife is a complete invalid and can only be moved by wheel chair. This fact makes travel to the outer islands to visit our children very difficult if not impossible. The ferry would alleviate this problem. We therefore urge you and your colleagues to pass a law that would get the ferry operating as soon as possible.

Mahalo,

**Dr. and Mrs William G. Burlingame
4389 Malia St ,Apt 423
Honolulu, HI 96821**

access2

From: RUNTPIG@aol.com
Sent: Tuesday, October 23, 2007 11:29 PM
To: testimony
Subject: No Subject

HERE IS YET ONE MORE VOICE TO ADD TO THE " I REALLY WANT THE FERRY!" MAJORITY! OF ALL OF THE PEOPLE I KNOW IN HAWAII I KNOW OF ONLY ONE WHO IS AGAINST THE SUPER FERRY AND HE ACTUALLY LIVES IN CALIFORNIA AND OWNS A RENTAL PROPERTY ON KAUAI. IT IS SUCH A REALLY, REALLY SUPER CONCEPT AND WOULD MEAN SO VERY MUCH TO ALL OF US TO TRAVEL CONVENIENTLY BETWEEN THE ISLANDS!
THANK YOU FOR YOUR KIND CONSIDERATION TO THIS VERY IMPORTANT MATTER.
ALOHA
LOUISA AND CLIFF COOPER
1036 MOKULUA DR.
KAILLUA 96734

See what's new at <http://www.aol.com>

access2

From: Mirahale [mirahale@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 11:12 PM
To: testimony

To : Legislature's Public Access Room

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

Esteemed committee members,

I would like here briefly express my wholehearted support for the Hawaii Superferry. I think it is not sufficient to merely state that the superferry would be beneficent to the islands. I actually feel shame that perhaps the most famous islands anywhere are quite possibly the only ones in the developed world that don't have a long running ferry service (A fact that was already noted in newspapers around the world along with Hawaii anti business atmosphere).

I am sure You will get uncounted emails rehearsing the numerous ways the ferry can enrich the lives of local citizens and tourist alike but more to the point at hand-i.e. whether permitting the Superferry to run while the environmental impact statement is being studied -how better to measure an environmental impact than by actually observing the ferry service in operation- but I suspect that is what its detractors fear the most-the fact that ones the actual (overwhelmingly positive) impact is known their scaremongering will fall on deaf ears. My biggest fear is that the impact will be so small (read the traffic so low) that the ferry will be unprofitable and will close its operations even if we rolled a red carpet for them (which is what I would normally expect)

I think it's time to stand up against a few ideological activists and support something that has a real potential to improve the quality and richness of life on our lonely islands. Please don't take our Ferry .

Yours Mira Linhart , Waikoloa ,Big
Island

access2

From: Dawn Wooten [KauaiDawn@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 11:11 PM
To: testimony
Subject: Please Uphold Our Environmental Laws

Aloha Legislators

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws. This corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

Here are some of the reasons I feel so strongly about upholding Hawaii's current environmental laws:

- Hawai'i's EIS law should be upheld because it provides a crucial layer of protection for Hawai'i's irreplaceable natural and cultural beauty.
- The proposed legislation to exempt the Superferry from its obligations under the law is overbroad. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books. Proposed conditions on the operation of the Superferry fail to address legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment.
- Public participation is essential to a well-functioning democracy! Hawai'i's EIS law provides a rare opportunity for public hearings. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.
- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which all businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly.
- Strong protection of public trust natural and cultural resources depend on upholding the law. Laws that are not upheld or enforced are shibai and useless!
- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete environmental review will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption now will not.

Dawn Wooten
3-2600 Kaunualii Hwy
STEB18 PMB344
Lihue, HI 96766

Elena Marie Respicio

3438 Ala Akulikuli St

Honolulu, HI 96818

Thursday, October 25, 2007 at 9:00 am
Auditorium

**TESTIMONY ON SECOND SPECIAL SESSION
FOR THE PROPOSED SUPERFERRY BILL
TO**

HOUSE COMMITTEE ON TRANSPORTATION AND HOUSE COMMITTEE ON FINANCE

Aloha Nui Loa, Rep. Joseph Souki, Rep. Scott Nishimoto, Rep. Maus Oshiro, and Rep. Marilyn Lee

And Members of House Committee on Transportation and on Finance.

My name is Elena Respicio and I am deaf. I always go with my deaf friends everywhere they travel.

I enjoy traveling. When I went on the special Superferry tour, I really liked it!! I want to go on Superferry with my deaf friends, visiting other islands and coming back on the same day!

Please don't stop Superferry.

Mahalo for allowing me to testify on this important bill.

Sincerely,

Francine Aona Kenyon
Deaf Advocate & Consultant

Douglas Tong

3726 Manini Way
Honolulu, HI 96816
dtong@hawaii.edu

Thursday, October 25, 2007 at 9:00 am
Auditorium

**TESTIMONY ON SECOND SPECIAL SESSION
FOR THE PROPOSED SUPERFERRY BILL
TO
HOUSE COMMITTEE ON TRANSPORTATION AND HOUSE COMMITTEE ON FINANCE**

Aloha Nui Loa, Rep. Joseph Souki, Rep. Scott Nishimoto, Rep. Maus Oshiro, and Rep. Marilyn Lee
And Members of House Committee on Transportation and on Finance.

My name is Douglas Tong and I am deaf consumer and a student at HCC, studying to become a licensed pilot.

I strongly support to allow the operation of Superferry while Dept. of Transportation is going its environment assessment. Please DON'T STOP because Superferry is a perfect transportation for those people with disabilities and with wheelchairs or walkers.

I was originally planning to go to Maui with my deaf friend at a special fare discount. However, when we learned that Superferry was held up because of many objections caused by environment protection people. I was very disappointed that my friend and I couldn't go to Maui in her car with the wheelchair in the trunk. Until my friend got the special announcement for the Superferry tour and contacted me and other deaf friends at church. I was excited and said, "Yes! Sign me up!"

So when we got on Superferry, wow, it is the big and beautiful ship I ever visited! I agree with my friends that we could drive up in my friend's car into the Superferry and go to Maui or Kauai and come back to Oahu on the same day so I won't have to worry about missing the classes at school! Superferry is big and comfortable to travel on sea. I can understand the problems of environment protection but don't understand why they allow the cruises around the islands. You forget something important – what about the travelers with disabilities who need more relaxing and accessible transportation from one island to another??? To my surprise, TVs have closed captioned movies that the airlines don't plus the game center and the playground center. The seats and couches are very comfortable. I would want to go on Superferry so badly but was very, very disappointed that Maui court made the bad decision to stop the operation.

I ask you to make a wise decision to continue the Superferry service for the benefit of travelers with disabilities as top priority. Thank you.

Sincerely,

Douglas Tong

access2

From: Lance Johnson [lajlmt@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 11:01 PM
To: testimony
Subject: Concern for longevity of the Superferry

Lance Johnson
Oahu Resident/Ewa Beach
Island Beauty Supply
NOT to submit in-person comments
808-689-3808

Dear Members of the Senate:

It is with much concern that I write to you. We must keep the Superferry here in Hawaii to deliver vacationers, families and freight throughout the islands as another alternative to the current monopolizers. The Superferry can do so much more than Young Bros., Matson and the airlines to accommodate a better way of life for we Hawaiians and those visiting our islands. I plan on using this mode of transportation in traveling between my operations on Kauai, Maui and the Island of Hawaii.

Please enforce the ability for the Superferry to proceed doing what it came here to do, create new possibilities for our future.

Regards,

Lance Johnson, LMT
Ewa Beach, HI

Janel Wehring
45-452 Leleua Loop
Kaneohe, HI 96744
JanelWehring@hawaii.rr.com

Wednesday, October 24, 2007 at 10:30 am
Auditorium

**TESTIMONY ON SECOND SPECIAL SESSION
FOR THE PROPOSED SUPERFERRY BILL
TO
HOUSE COMMITTEE ON TRANSPORTATION AND HOUSE COMMITTEE ON FINANCE**

Aloha Nui Loa, Rep. Joseph Souki, Rep. Rep. Scott Nishimoto, Rep. Maus Oshiro, and Rep. Marilyn Lee And Members of House Committee on Transportation and on Finance.

My name is Janel Wehring and I am deaf consumer. I moved here from Washington State in 1988. I have not visited Maui and Kauai but did only visit Kailua, Kona on the Big Island. I would have loved to go to Maui and Kauai if Superferry is in its full operation.

I really, really, really want to go on Superferry so I could visit Maui and Kauai and, who knows, Hilo, Hawaii. Please don't stop the service because it is very important for me as I need to exercise my legs and want to be more comfortable while traveling.

I went on a special Superferry tour with my deaf friends because I was curious what it was like. Wow, Superferry is the best ship I ever saw! I really like it very much. I feel like at home on Superferry. It is like a home on the sea! When we drove the car into the Superferry, wow, I can imagine if we five of us could share the cost of vehicle and pay for own individual fare so we could go to Maui to visit Haleakala Crater and then come back to Oahu on the same day. We would save plenty of money by not staying overnight but will always go back to Maui, Kauai or Big Island more often as we like. I don't have to worry too much about the rental cars or the hotel costs or hurry to get back to work right away and get tired so easily.

I personally cannot sit too long on planes for longer period of time, making my legs more tired and poorly circulated. I need to get up and walk around as much as I can. Superferry would be a perfect transportation so I can walk around on the ship and buy something at the gift shop or eat at the snack bar or walk comfortably on wider aisle from the end to another end of the ship!

Thank you very much and please let Superferry run while you do the environment study. If you do stop Superferry, I would be very, very disappointed and will definitely miss a lot of beautiful Hawaiian places. I would rather visit the real-life places rather than just the pictures from the magazines or books.

Mahalo for allowing me to testify on this important bill.

Sincerely,

Janel Wehring

Douglas Tong

3726 Manini Way

Honolulu, HI 96816

dtong@hawaii.edu

Wednesday, October 24, 2007 at 10:30 am
Auditorium

**TESTIMONY ON SECOND SPECIAL SESSION
FOR THE PROPOSED SUPERFERRY BILL
TO
SENATE COMMITTEE ON JUDICIARY AND LABOR, SENATE COMMITTEE ON
TRANSPORTATION AND INTERNATIONAL AFFAIRS, AND SENATE COMMITTEE ON
ENERGY AND ENVIRONMENT**

Aloha Nui Loa, Senator Brian Taniguchi, Senator Clayton Hee, Senator Kalani English, Senator Mike Gabbard, Chair Senator Ron Menor, Senator Gary Hooser, and members of Committee on Judiciary and Labor, Transportation and International Affairs, and Energy and Environment;

My name is Douglas Tong and I am deaf consumer and a student at HCC, studying to become a licensed pilot.

I was originally planning to go to Maui with my deaf friend at a special fare discount. However, when we learned that Superferry was held up because of many objections caused by environment protection people. I was very disappointed that my friend and I couldn't go to Maui in her car with the wheelchair in the trunk. Until my friend got the special announcement for the Superferry tour and contacted me and other deaf friends at church. I was excited and said, "Yes! Sign me up!"

So when we got on Superferry, wow, it is the big and beautiful ship I ever visited! I agree with my friends that we could drive up in my friend's car into the Superferry and go to Maui or Kauai and come back to Oahu on the same day so I won't have to worry about missing the classes at school! Superferry is big and comfortable to travel on sea. I can understand the problems of environment protection but don't understand why they allow the cruises around the islands. You forget something important – what about the travelers with disabilities who need more relaxing and accessible transportation from one island to another??? To my surprise, TVs have closed captioned movies that the airlines don't plus the game center and the playground center. The seats and couches are very comfortable. I would want to go on Superferry so badly but was very, very disappointed that Maui court made the bad decision to stop the operation.

I ask you to make a wise decision to continue the Superferry service for the benefit of travelers with disabilities as top priority. Thank you.

Sincerely,

Douglas Tong

access2

From: Don Reeser [donbunr@maui.net]
Sent: Tuesday, October 23, 2007 11:02 PM
To: testimony
Subject: SB 1 Relating to Transportation

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators. Mahalo

Testimony on behalf of Friends of Haleakalā National Park
P. O. Box 322,
Makawao, HI 96768

During the EIS process for the expansion of Kahului Airport a biological assessment was required in accordance with Section 7 of the Endangered Species Act to assess the project's impact to the biological resources of Maui. A Technical Panel was assembled to prepare the assessment which was the basis for a biological opinion rendered by the U. S. Fish and Wildlife Service. The significant conclusion of the biological opinion essentially was that alien species that become established on Maui as a result the expansion can have far reaching and irreversible effects on endangered species throughout the 728 square mile island including Haleakalā National Park.

The same is most assuredly true of this new Hawai'i Superferry transportation mode to Maui: it too will have far reaching and irreversible effects to the environment and endangered species. There has been no legally valid analysis, no biological assessment and no biological opinion required during an EA/EIS process.

The legislature must acknowledge that an analysis of the no-action alternative, inherent to the EIS process, is impossible if it allows the Hawai'i Superferry to operate during the preparation of the EIS, simply because the operation becomes the no-action alternative. This makes the EIS process not only meaningless but ludicrous. The court, after weeks of testimony came to this same conclusion. Please don't subvert our precious environment laws. Don't be held hostage by the superferry, which threatens to leave unless our laws are modified to suit their wishes. Don't allow the Hawai'i Superferry to sail until the EIS has been completed.

Thank you for the opportunity to comment.

Donald W. Reeser
Vice President

access2

From: Cashirota@aol.com
Sent: Tuesday, October 23, 2007 10:59 PM
To: testimony
Subject: Superferry Testimony

Aloha,

Please find attached my testimony relating to the Superferry. I attended the Informational Briefing held on Maui yesterday, but was unable to testify due to the shortage of time. I appreciate you forwarding this testimony to the appropriate Committee Chairs and members.

Mahalo nui,
Carrie Ann Shirota

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access2

From: Roxanne Hanawahine [roxy_96795@yahoo.com]
Sent: Tuesday, October 23, 2007 10:31 PM
To: testimony
Subject: Hawaii Superferry

ATTN: House Committee on Transportation and House Committee on Finance
DATE: Thursday, October 25, 2007
TIME: 9:00 a.m. Auditorium, State Capitol

HB 1 RELATING TO TRANSPORTATION

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.

Dear Chairs Souki and Oshiro:

Aloha!

I am Roxanne Hanawahine, my family and I strongly support Hawaii Superferry. The Ferry would be a great alternate transportation for the residence of Hawaii. My family and I would definately ride the Hawaii Superferry for it will be more cost effective. Do allow the Superferry to run while the EIS is being done.

Mahalo,

*Roxanne Hanawahine
41-153 Nalu Street
Waimanalo, Hawaii 96795*

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access2

From: Daniel Starsong [strsng@yahoo.com]
Sent: Tuesday, October 23, 2007 10:53 PM
To: testimony
Subject: Superferry meeting in Kona

This excerpt is from my 15 year old sailing student, who was originally against the super ferry, then decided to look into it more closely. He is now in favor. This is what he wrote me after I forwarded him my letter to you. He is a student at Whea in Kona.

Kyle Eng wrote: " i have also studied the manuverability of the vessel
> as well as other specs and i beleive that the vessel is perfectly
> capable of avoiding whales and due to
the
> properities of the self stabilising system the
whales could
> hear the vessel well before it got to them and dive
sufficently
> deep enough to avoid it. and as a testament to its
manuverability
> just examine the other superferries in other
countries, those boats
> display manuverability and cornering ratios far in
excess of traditional
> power boats

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testimony

From: Jamesrmccarty@aol.com

Sent: Wednesday, October 24, 2007 8:18 AM

To: testimony

Cc: House Record

Subject: Please send to all members of senate & house-Do not allow Superferry to sail

Vote NO-----DO NOT ALLOW SUPERFERRY TO SAIL PRIOR TO COMPLETION OF EA and/or EIS

DO NOT UNDERMINE PUBLIC CONFIDENCE IN OUR SYSTEM OF LAWS AND COURTS.

LINDA LINGLE IS ONLY OUR GOVERNOR, NOT OUR QUEEN. DO NOT BECOME ONE OF HER LACKEYS BY CODDLING HER.

THE ENVIRONMENT IS THE ECONOMY, NOT THE SUPERFERRY.

PLEASE, PLEASE , PLEASE VOTE NO

RICHARD McCarty

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access2

From: bbstn8@aol.com

Sent: Tuesday, October 23, 2007 10:52 PM

To: testimony

My name is Barbara Townsend. I am truly hoping that the Superferry will stay and operate in Hawaii. I understand that there is a lot of environmental concerns. What perplexes me is that Young Brothers ship interisland so the boat on the water should not be the issue, nor the bring of invasive species between the islands. If the Superferry is propelled by jets rather than propellers, then ocean creatures will not be harmed by propellers. Given the right circumstances, I am all for the Superferry and can't wait to be a passenger.

I consider myself an animal, nature lover and I am part Hawaiian. I think there are many avenues that open up to consumers as well as government agencies as a direct result of allowing the Superferry to begin operations. There are many positive features to having the Superferry. The visitor industry will probably see the first impact of revenues on Maui, Kauai and Oahu. I think it would be a mistake to inhibit the Superferry from coming and staying in Hawaii.

Barbara Townsend
92-1269 Panana Street #27
Kapolei, Hawaii 96707
btownsen@hawaii.edu

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

testimony

From: Andres Apolinar [pvt.millionaire@gmail.com]

Sent: Wednesday, October 24, 2007 8:19 AM

To: testimony

The Super Ferry is one of the best Ideas I have ever heard of. All I can see are positive benefits.

Let the Super Ferry Sail !!!!!

--

Andres (RA, GRI, E-PRO)

808.230.6470

<http://PattiAndAndres.com>

<http://MapPartner.com/PattiMyRealtor>

testimony

From: Vmcarty@aol.com
Sent: Wednesday, October 24, 2007 8:08 AM
To: testimony
Cc: House Record
Subject: Superferry Please send to all senators and congressmen immediately

Please:

Do not allow the superferry to sail without an EIS.

Do not allow Gov. Lingle to set the environmental terms.

Do not stack a task force with govt. employees, superferry officials and Lingle cronies as they have already shown a lack of good faith.

Any bill passed must have mitigation measures that meet or exceed the judge's decision.

Please review and adopt the 29 conditions proposed but change and add the following:

Do not allow one single car to board the superferry until the EIS is done - let only passengers ride.

Vicki McCarty
P O. Box 12245
Lahaina, HI 96761

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testimony

From: OahuBuySellRent@aol.com
Sent: Wednesday, October 24, 2007 8:21 AM
To: testimony
Subject: SUPER FERRY

I Norman Medeiros support the Super Ferry.

Thank you

See what's new at AOL.com and [Make AOL Your Homepage](#).

access2

From: Dennis Hilty [drhilty@earthlink.net]
Sent: Tuesday, October 23, 2007 10:29 PM
To: testimony
Subject: Support for the Hawaii Superferry

Senate Judiciary Committee

Hearing Date: October 24, 2007

Time: 10:30 a.m.

I firmly support the Hawaii Superferry and would like to see them in operation while the environmental impact statement is being prepared. An alternative form of transportation is greatly needed here in the islands and in the event of a major disaster the Superferry could be another form of shipping supplies to all islands.

Thank you for allowing me to support the Hawaii Superferry

testimony

From: Tom Gimber [tgimber@starrcohawaii.com]

Sent: Wednesday, October 24, 2007 8:22 AM

To: testimony

Dear Sir or Madam,

It is with great concern of mine and many other Hawaiiin residents that the Superferry operates as planned. The right to travel within our own chain of islands has never been so challenged. The majority of the People here want it to operate. Other shipping companies do not suffer this type of "dismantling". Everyone knows this is more of political decision than anything else. We are extremely outraged.

Tom Gimber

access2

From: Gayle Newhouse [moonlighting80@hotmail.com]
Sent: Tuesday, October 23, 2007 10:35 PM
To: testimony
Subject: super ferry Senate Committee October 24 10am

Senate Committees on super ferry
Wednesday October 24 10:00am

Ladies and Gentlemen,

I am 100% AGAINST the super ferry.

I have 7 grandchildren and a farm on Kauai.

In my opinion:

The super ferry is not a practical business nor is it in the best interest to any island anywhere. The dangers to the delicate balance of each islands eco system, wild life and the oceans and her reefs will be devastatng and irreversible. This is not an EIS issue this is a common sense issue.

I am 100% AGAINST the super ferry.

All officials took an oath to uphold the law and protect all life. The super ferry clearly contradicts your promise to the people and endangers sustainability. Myself, I choose to keep company with scientists. Scientists have proof that we are at a chaos point in our evolution. Without balance the quality of life is vastly coming to an end. Should the islands loose their delicate balance it could very well be the tipping point; the straw that broke the camels back.

I invite you to close your eyes and pretend someone greater than yourself is watching your leadership and holding your spirit as ransom for the outcome.

Should the stakes be that high would you not think for a moment before acting?

I have been with people when they take their final journey. Believe me when I tell you accountability is your final resting place. Rest easy and make the right decision.

May the force be with you and with your spirit.

My prayers are with you and the integrity you will live with from this day forward.

I am 100% AGAINST the super ferry.

Sincerely,

Gayle Newhouse

PO Box 1195

Kilauea, Hawaii 96754

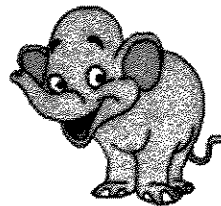
testimony

From: Taka [kh6ch@hawaiiantel.net]
Sent: Wednesday, October 24, 2007 8:24 AM
To: testimony
Subject: Superferry

I am a proponent of the superferry. We need one in addition to the interisland air transportation in cas of emergency.

Yutaka Arakaki
kh6ch@hawaiiantel.net

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testimony

From: kamber@hawaii.rr.com
Sent: Wednesday, October 24, 2007 8:24 AM
To: testimony
Subject: Super Ferry

Dear Legislators,

Recently the City and County of Honolulu began operating THEBOAT.
Since the inception I have been a regular rider on THEBOAT.

In our daily travels we seen many different sights including very large ships, small boats and planes. I can't imagine what all these ships bring into our ports that are coming from around the world. I find it hard to believe we can't accept a ferry which is just going from one island to the next and doesn't travel the distances the ships, boats, and planes do. Why does the Super Ferry have be scrutinized for what others have been doing for a very long time.

Kathey A. Mehle

testimony

From: Richard Hoepner [richoep@aloha.net]
Sent: Wednesday, October 24, 2007 8:32 AM
To: testimony
Subject: superferry

TO:
House Eneergy & Environmental Protection
Hermina M. Morita, Chair

House Transportation
Joseph M. Souki, Chair

DATE: Thursday, October 25, 2007
TIME" 10:00AM
PLACE: State Capitol Auditorium
415 So. Beretania St.

FROM:
Rich Hoepner
4865G Nonou Rd.Kapaa, HI 96746
808-639-1954

RE: SUPERFERRY HEARINGS, IN OPPOSITION TO SPECIAL SESSION, IN OPPOSITION TO SUPERFERRY BILL

As a retired Police Officer, sfter 20 years of service, I can attest that without the rule of law, there is chaos. With the passage of this bill to exempt superferry from the Hawaii Environmental Protection Act, to overthrow a Hawaii Supreme Court decision that superferry CANNOT be exempted, and to circumvent Judge Cardoza's ruling that superferry CANNOT operate until an Environmental Assessment is completed, the Legislature will be contributing to the abandonment of the RULE OF LAW and the probable resulting chaos. The "checks and balances" designed into our three banch government will be destroyed and Judicial proceedings will be meaningless. Setting such a precedent will invite any future EA/EIS to be challenged via this precedent. What result will that have on Hawaii's fragile environment other than more litigation and chaos? How can middle school and high school students be expected to obey laws on the books if their leaders flagrantly violate laws and court orders to allow a corporation to do whatever it wants, with potential IRREPARABLE damage to our environment and culture? The alleged "financial" advantages to the State can't even come close to balancing the litigation, chaos, and damage to the state that passage of this bill will incur.

In two days last week of talking to Senators and House Representatives at the Capitol, I discovered that the reasons for the different opinions on superferry are basically different value systems of individuals. If our values have droppped to such a low level that the rule of law is no longer a disirable condition, then "Shades of Rome" is more applicable to our society than I ever thought possible. PLEASE prove me wrong and either defeat this bill, or adjourn without considering it.

Much Love from Kauai, Rich

testimony

From: WILLIAM CARWILE [CARWILEWILLIAM@aol.com]
Sent: Wednesday, October 24, 2007 8:36 AM
To: testimony
Subject: Superferry

The failure of our State to embrace environmentally sound progressive transportation measures is inexplicable.

The objections to the Superferry are not for environmental reasons, Young Bros. Barges and the cruise ships almost daily transport people and cars to the Outer Islands. The Superferry is simply a symbol of progress.

It should be allowed to run while an environmental assessment is done.

Selfish surfers and inhospitable people should not keep us from having modern transportation options.

William L. Carwile
Kaneohe

Sent with Wireless Sync from Verizon Wireless

access2

From: cindy [maluhina@hawaiiantel.net]
Sent: Tuesday, October 23, 2007 10:32 PM
To: testimony
Subject: EIS for Superferry

**Relating to HB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Thursday, October 25, 2007 **TIME:** 9:00am
PLACE: Auditorium
Please distribute copies to the House members. Mahalo.

FROM: Cindy Granholm
3617 Keoniana Rd. Princeville, HI 96722
Tel 808-827-8023 **Email** maluhina@hawaiiantel.net

**HOUSE OF REPRESENTATIVES
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007
COMMITTEE ON TRANSPORTATION
Rep. Joseph M. Souki, Chair
Rep. Scott Y. Nishimoto, Vice Chair
COMMITTEE ON FINANCE
Rep. Marcus R. Oshiro, Chair
Rep. Marilyn B. Lee, Vice Chair**

MY POSITION: Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

One example of the 29 conditions: require that people disembarking are asked if they are camping and if so, they must show a reservation and fee paid for the official campground. Senator Hemmings said in response to this condition: no. People can camp wherever they want. Do the laws not apply to residents from Oahu camping on Kauai? And if not, why not? Another: people cannot raid the natural resources of outer islands. Lisa Munger, attorney for Superferry said: no. These natural resources belong to everyone, residents and visitors. So that means people should be able to load up their pickup trucks with whatever they want and go home with it? This is wrong. The HSF will not have enough inspectors to stop this practice. We will all suffer. Tourism, the most important economy to Hawaii, will suffer. Many tourists will not return if our environment is destroyed and we are no different from anywhere else.

Please respect the decision of the Hawaii Supreme Court and Maui Circuit Court -- no Superferry until an EIS is performed.

testimony

From: Doug Phillips [dphillips@PacificCasual.com]
Sent: Wednesday, October 24, 2007 8:29 AM
To: testimony
Subject: DO NOT ALLOW SUPERFERRY TO OPERATE BEFORE EA IS COMPLETE

Please do not allow HSF to commence operations prior to conducting an Environmental Assessment.

And no matter what happens, please investigate under what circumstances the EA exemption was granted.

Let the Court rulings stand. NO ferry service until an EA is conducted.

**Doug Phillips
P.O. Box 44910
Kamuela, HI 96743**

testimony

From: Robert Sinclair [blackjack808808@yahoo.com]
Sent: Wednesday, October 24, 2007 8:38 AM
To: testimony
Subject: Hawaii SuperFerry

Dear Law Makers:

My name is Robert Sinclair resident of Hawaii, home owner, and constituent, I strongly urge you to support the Super Ferry.

Thank You,
Robert Sinclair

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access2

From: Joie Houli [joiehoul@yahoo.com]
Sent: Tuesday, October 23, 2007 10:19 PM
To: testimony
Subject: Support for Hawaii Superferry

Dear State Senate :

I support for Hawaii Superferry as it is the way to bring the effective transportation convenience to the residents in Hawaii.

Sincerely,
Joie Houli

testimony

From: Lani Link [lanilink@hotmail.com]
Sent: Wednesday, October 24, 2007 8:42 AM
To: testimony
Subject: Superferry

Aloha, I have lived here for 25 years and I think the surerferry is a great idea !!! I hope it stays.

testimony

From: David Kansaku [davidk@senplex.com]
Sent: Wednesday, October 24, 2007 8:44 AM
To: testimony
Subject: Support for Superferry

October 24, 2007, 8:40am

I support the Hawaii Superferry.

It creates opportunities that has never been available to us in being able to expand our economy.

Allow families to get together that otherwise may not be possible by air due to the expense.

Allows people who cannot travel by air to have an alternate means with the Superferry.

If in the event of an emergency, the Superferry will allow transportation to get emergency equipment / personnel and supplies to island(s) in need.

David Kansaku
144 Bates St.
Honolulu, HI 96817

access2

From: Trevor Yee [info@webconceptshawaii.com]

Sent: Tuesday, October 23, 2007 10:15 PM

To: testimony

Subject: Superferry

We need to stop the vocal minority from using the "environment" to push their agendas. The sad-but-true underlying reason for all this opposition is that they don't want anyone on "their" island and really don't have any aloha for others in the same state. Imagine if I went to court and forced an injunction that didn't allow Waipahu residents from coming into east Honolulu....that's just absurd.

It's obvious that the majority of Hawaii supports the Superferry, so let's make this happen so that the tail isn't wagging the dog anymore.

access2

From: Katie Romanchuk [ohialani@hawaiiantel.net]
Sent: Tuesday, October 23, 2007 10:19 PM
To: testimony
Subject: EIS First!!!

Please honor the Court's decision to require an Environmental Review of the HDOT Harbor project BEFORE allowing the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

I would be appalled if you decided to break the laws that are already in place regarding an EIS or EA BEFORE the operation of the Superferry. To change the law just to please Linda Lingle and Mr. Gerabaldi's personal financial interests at the cost of many proven environmental impacts (ask Judge Cardoza after 4 weeks of expert testimony) that would cause irreparable damage to thousands of people and future generations of our outer islands' way of life, farming, traffic, dealing with unwanted pests easily transported from island to island by super highspeed transport, destruction of whales and other marine life, would be a crime. To make a few wealthy people way richer at the cost of ALL of this would be an abomination to our government and judicial system. Obviously there has been a lot of corruption. We all know that and are watching to see what our leaders will do. I trust the legislature will do the right thing, but there has been an awful lot of crookedness lately, giving me cause to be concerned. Please read all of the passionate and superbly articulated testimonies (hundreds) of the public meeting at Baldwin High school in Maui yesterday. I was there and everyone was mighty impressive and unquestionably for following the laws. There should not be any question about this and it is an embarrassment to our Hawaiian government that this has gone this far. Please do what you can to make right and do the Pono thing.

Aloha, Katie Romanchuk, private citizen, Haiku Maui.

testimony

From: Doug Phillips [dphillips@PacificCasual.com]
Sent: Wednesday, October 24, 2007 8:35 AM
To: testimony
Subject: RE: DO NOT ALLOW SUPERFERRY TO OPERATE BEFORE EA IS COMPLETE

Relating to SB 1 - Transportation

Requiring an Environmental Impact Statement and oversight Task force for Hawaii Superferry

DATE: Wednesday, October 24, 2007
TIME: 10:30am
PLACE: Auditorium
Please distribute 35 copies to the Senators.

Please do not allow HSF to commence operations prior to conducting an Environmental Assessment.

And no matter what happens, please investigate under what circumstances the EA exemption was granted.

Let the Court rulings stand. NO ferry service until an EA is conducted.

**Doug Phillips
P.O. Box 44910
Kamuela, HI 96743**

testimony

From: William Bledsoe [wmba@hawaii.rr.com]
Sent: Wednesday, October 24, 2007 8:47 AM
To: testimony
Subject: Superferry

My wife and I both strongly support a special session to allow the Superferry to operate while an environmental assessment is in progress.

William M. Bledsoe
1860 Ala Moana Blvd #2103
Honolulu, HI 96815
808 943 0831

access2

From: Kumufolk@aol.com
Sent: Tuesday, October 23, 2007 10:13 PM
To: testimony
Subject: Please save our Superferry

Aloha Mai Kakou,

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment.

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

Mahalo for this chance to state my opinion on this very important issue!

I believe the Superferry will add to our states means of transportation, not as a competition to our barge service, airlines or ocean liners but one more that makes it possible for kama' aina to visit 'ohana on other islands who would otherwise not be able to visit and to ship goods to many mom and pop stores who are being forced out business by big name corps.

Remember that the Hawaiians are sea going people and we depend heavily on the ability to connect with the ocean for our livelihood and for our well being as we discovered and settled in Polynesia and eventually here in Hawai'i. The sea became our way of carving out our path to lands that once separated us from the world and also became the link that united us as Polynesians.

The opponents of the Superferry do not speak for me and the many, many people who support it and defend its right to be here and work along side the other vessels that help us make our way across the ocean as our Kupuna had in the past. I can't understand how any reasonable person can see the Superferry as a threat to the other islands... it is no more a threat than a plane that could bring the brown tree snake here from Guam, a dangerous epidemic from ocean liners or the rising cost to ship goods to the other islands by barge from the mainland and elsewhere... stop the monopoly. Please do the EIS but let the Superferry sail!

Mahalo A Nui Loa,
Lani Sutter

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access2

From: Tina Edra [tinagirl1208@yahoo.com]
Sent: Tuesday, October 23, 2007 9:43 PM
To: testimony
Subject: Unite the Islands

The Superferry has already interested thousands and thousands and thousands of people through out the world. In my line of work, I deal with military people (mainly military wives), some from India, Australia, a couple from Europe and a few from Japan. They used to ask about the Superferry and why isn't it being supported. I so don't have an answer for them.

If people from foreign countries are interested in this and willing to come to Hawaii and have riding the Superferry on their Itineraries, what harm could that have on our economy? Environmentally, what more damage could the Superferry do than what the fishing ships and cruise liners and sailboats and jet skis and other ocean vessels already have done?

Don't stop what is inevitably coming, just make it work for the people and the islands. Adjust to make it so the environment will have the least possible side effects. I'm sure the state of art equipment on board can tell us when a whale is in harms way so the Superferry can maneuver around it.

Mahalo,
Tina Edra
Superferry supporter
Future Superferry passenger

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access2

From: Grace Caligtan [graceintelligence@gmail.com]
Sent: Tuesday, October 23, 2007 10:06 PM
To: testimony
Subject: Please Uphold Our Environmental Laws

Aloha Legislators

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws. This corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

Here are some of the reasons I feel so strongly about upholding Hawaii's current environmental laws:

- Hawai'i's EIS law should be upheld because it provides a crucial layer of protection for Hawai'i's irreplaceable natural and cultural beauty.
- The proposed legislation to exempt the Superferry from its obligations under the law is overbroad. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books. Proposed conditions on the operation of the Superferry fail to address to legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment.
- Public participation is essential to a well-functioning democracy! Hawai'i's EIS law provides a rare opportunity for public hearings. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.
- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which all businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly.
- Strong protection of public trust natural and cultural resources depend on upholding the law. Laws that are not upheld or enforced are shibai and useless!
- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete environmental review will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption now will not.

Grace Caligtan
1967 Naio Street
Honolulu, HI 96817

testimony

From: Erhard Autrata [eautrataito@yahoo.com]
Sent: Wednesday, October 24, 2007 8:32 AM
To: testimony
Subject: support of superferry

aloha

The superferry will give more competiton and thats what made america strong...

ERHARD CARL AUTRATA

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Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

access2

From: andy lowe [lowelife@cedarcomm.com]

Sent: Tuesday, October 23, 2007 8:01 PM

To: testimony

Subject: Superferry

The Superferry is long overdue and would be of great economic benefit to the islands.

testimony

From: Big Island Properties [bigislandpaka@yahoo.com]
Sent: Wednesday, October 24, 2007 8:32 AM
To: testimony
Subject: super ferry

I support Hawaii Super Ferry, Allow Super Ferry to continue it's operation to inter islands, we are in need of all the transpertaion methods available. In case of emergency, our islands are isolated and there is alot of monopoly here. Please support the Super Ferry

☺ Aloha, Paka

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<http://mail.yahoo.com>

testimony

From: June C Naughton [jnaught@hawaii.edu]
Sent: Wednesday, October 24, 2007 9:00 AM
To: testimony
Subject: Supporting the Superferry

Attachments: Card for June C Naughton <jnaught@hawaii.edu>



jnaught.vcf (537
B)

Aloha

I believe that the Superferry will be good for Hawaii. If the superferry leaves now, we will never come back and no one will ever give us (the local people) the opportunity to move between islands in a comfortable way.

Gerald Naughton
2651 Aaliamanu Place
Honolulu, HI 96813 808 524-2718

access2

From: Jon Fia [jonfia@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 9:54 PM
To: testimony
Subject: Superferry

I just wanted to voice my support for the Superferry. I also think the conditions being proposed about the use of the superferry are ludicrous. Unless every cargo ship, cruise ship, airplane, etc are expected to follow the same conditions, then why should the superferry? It is too unreasonable. The resistance to the superferry is only under the guise of protecting the environment. If the opposition was so concerned about the environment, why not stop the developments on the neighbor islands? Why not stop the other modes of transportation from arriving such as cargo ships, cruise ships, etc? If that was really such a huge concern, there would have been much greater opposition well before the superferry arrived. Lawsuits could have been easily filed earlier, etc.

I understand everyone needs to be heard but we are a democracy and the majority rules. That's how all of our elected officials were put into office - by majority vote. In the end, the decision must be made that will benefit the MAJORITY of the people of Hawaii.

Thank You for your time.

--
Aloha

Jon Fia

access2

From: Chun, Carey Ann [moorsc@polynesia.com]
Sent: Tuesday, October 23, 2007 6:23 AM
To: testimony
Subject: Hawaii Superferry Testimony
Importance: High

Hello,

I would like to say that I am in support of the Hawaii Superferry to continue service here in the islands.

I am originally from the Independent State of Samoa. We use ferry's all the time to Island hop. We take our cars, cargo, etc. on the ferry. It is a very useful tool. We mainly rely on this service to travel from Upolu to Savaii. It is a common way of life to ride the ferry for us in Samoa. Locals, tourists, rich and poor ride the ferry in Samoa. Without it, we wouldn't be able to travel to visit family or see the Islands.

Moreover, the Hawaii Superferry created a lot of jobs and would boost business for the Islands. Tourism is good business for the Islands, without it... we would be dependant on Uncle Sam to feed us. Just like American Samoa. We would appear to be a "dependant" of the U.S.

As for the animals of the sea... The Hawaii Superferry has radar. This would prevent any accidents.

Finally, those vicious protestors on their surfboards should consider that some of their surfboards are made from materials from the natural environment. It was uncalled for when they were rude to the passengers and the coast guards. Fight a clean battle.

Mahalo for your time,

Carey Ann Chun of Kamehameha Heights, Oahu

From: pchayashi [mailto:pchayashi@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 7:32 AM
To: testimony
Subject: Super ferry

I am for letting the super ferry operate during the environmental impact study is completed. However, regulations and procedures for protecting the concerns of the people need to be in place before proceeding. Such as transporting destructive plants, insects, animals etc. Having a superferry will benefit the people of Hawaii by offering a service not offered now and with added competition, reduce the monopolies in this state.

Patrick Chieto Hayashi

access2

From: Jon D. Fujii [fujii003@hawaii.rr.com]
Sent: Tuesday, October 23, 2007 9:50 PM
To: testimony
Subject: Testimony IN FAVOR of the Superferry

Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment

Hearing Date: Wednesday, October 24

Time and Location: 10:30 a.m. Auditorium, State Capitol

To whom it may concern,

I am in full support of the Superferry. It is sad and embarrassing how a few environmentalists can hold an entire state hostage. I want to be able to use my personal vehicle to drive on the neighbor islands when I take my family to visit friends and family. It's about time the State of Hawaii has an inter-island ferry service. Please do the right thing and let the overwhelming support of the Superferry guide your decision making. The entire city, state, & nation is watching.

Sincerely,
Jon Fujii

access2

From: Juan Wilson [juanwilson@earthlink.net]
Sent: Tuesday, October 23, 2007 9:45 PM
To: testimony
Subject: HSF Special Session: Complete EIS Before Superferry Operations

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement , Oversight Task Force, etc.**

DATE: Wednesday, October 24, 2007 TIME: 10:30am
PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Juan Wilson: Architect-Planner
ADDRESS: PO Box 949, Hanapepe HI 96716-0949
PHONE: (808) 335-0733 **EMAIL:** juanwilson@mac.com

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

**My Testimony
EA/EIS BEFORE SUPERFERRY OPERATIONS**

I have three possible scenarios for you to consider in order of my preference - A, B and C.

Scenario A) Best Case Scenario

Please honor the Court's decision to require an Environmental Assessment of the HDOT Harbor project BEFORE allowing the Superferry to operate.

Scenario B) Reasonable Solution

If you must run the ferry consider the compromise I offered HSF and Linda Lingle.

- 1) Run the Superferry at speeds and on courses that will not threaten whales
- 2) Do not allow Superferry to carry private vehicles before EA complete.
- 3) Dissolve Special Security Zone plans in all harbors.

Scenario C) Acceptable Compromise

If you must pass this bill, please include all the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

The following is an editorial I published this past Sunday in the Garden Island News. It makes a crucial point about the outer islands. They are Oahu's breadbasket when the Peak Oil Tsunami hits Hawaii. Don't swamp them with the Superferry.

THE GOVERNOR'S SUPERCONSPIRACY

Published Sunday, October 21, 2007 in The Garden Island News

10/24/2007

The Business Before Us

The most important legal issue facing the state of Hawaii today is the operation of the Superferry. From a judicial standpoint the issue has been decided. The Hawaii Supreme Court has ruled that our environmental protection law (Chapter 343) requires that the Superferry conduct an Environmental Assessment (EA) that would likely lead to an Environmental Impact Statement (EIS). Those processes could take three years. The law specifies that the operation of the Superferry cannot take place until the environmental studies are completed and a permit to operate issued. The Superferry is tied up in Honolulu. Case closed.

Not quite. The governor has called for a special session of the legislature to pass a law to exempt the Superferry from our state laws. An out of control executive branch can flaunt the law if it whips up enough fear and populist fervor.

This has already happened at the federal level. After entering Afghanistan, the then popular Bush saw an chance to go after the oil in Iraq and Iran. He falsely pointed a finger at Iraq and got a green light and blank check from the US legislature to take us down the course we have followed for the last five years. We got the Patriot Acts One and Two. We got lies about WMDs. Bush tossed the Geneva Convention and we got torture and Abu Ghraib. We got lots of exceptions to the rules... all to advance a hidden agenda.

Needless to say, it has been a disaster. We have squandered good will, money and blood. We are hated by many and almost bankrupt, as Bush struggles forward into the deepening quagmire.

Chief Executives Out of Control

How does that relate to Hawaii? Well, we have an out of control chief executive running our state. She is Governor Linda Lingle. Her rightwing agenda is to serve big business and the military. The perfect expression of these two goals is the building and operation of the Superferry.

The Lingle Administration conspired with the Hawaii Superferry Corporation to clear the legal hurdles for the ferry to get up and running on an expedited schedule. That path did not include any environmental review. I call this cabal the "SuperConspiracy". Despite much evidence to the contrary, the SuperConspiracy denied that the ferry had military links to the peculiar location of the Stryker Brigade in the State of Hawaii. The siting of the Strykers in Hawaii happened without an EIS too and is being challenged now.

To operate as a profitable private business, the Superferry builder, Austal LTD, advised the SuperConspiracy to design a much smaller ferry with greater energy efficiency. However, the ships were built to military specifications (to carry the large Stryker force) with nonmilitary state and public funds. The Governor had learned the first lesson of the Bush governing style: Loot the public trust to fund your military-industrial agenda. Privatize your war making capability.

The SuperConspiracy charged ahead like a rhino. When the Supreme Court made its historic ruling on an EA requirement, the SuperConspiracy decided to accelerate the start of operations. They decided to jump the gun on scheduled service to Kauai and Maui for a ridiculous five dollars a pop. It was a popular idea on Oahu. Then they hit the brick wall. Maui and Kauai would not play ball. By legally (Maui) and physically (Kauai) blocking entry to their harbors, they foiled the SuperConspiracy.

Superferry is to Lingle as Iraq is to Bush

This is where we come to the analogy of Bush/Iraq and Lingle/Superferry. Both executives have made disastrous choices. They have appealed to populist sentiment and used fear mongering. They both have used appeals to their legislatures to turn over the law of the land.

There is no doubt that the decision to enter into Iraq has been a disaster. The responsibility rests with the US Congress that gave Bush the go ahead in 2002. The Kauai anti-Superferry demonstrators, called kooks today, were the same people who were demonstrating against entering the Iraq War, claiming that George Bush was leading us down a rat hole. I know, I was there. We held signs that read "No Iraqnam", "No Blood for Oil" etc. I suspect some of you that then shook your heads and shouted at us from your SUV's are the same ones who support the Superferry now. After five years in Iraq, are you still supporters of our Iraq policy? Getting it right with foresight is important.

For George Bush, the real issue of his presidency should have been to solve America's environmental and energy problems. Instead, to obtain cheap oil, he has made both problems worse by creating an unending war in the Middle East. Besides blaming the US Congress for Bush's folly, we can blame ourselves for ignoring our Constitution to go on with cheap happy motoring.

The Governor is now asking the Hawaii Legislature to do much the same thing over the Superferry. She is demanding that the legislature simply ignore the laws of the State and give the SuperConspiracy the green-light to do whatever it wants. For what? Once again, for our motoring convenience - Interstate H-4.

A Bad Exception to the Rule

This exception would allow the Superferry to begin unrestricted operations during the period of an environmental review process. This is the equivalent to asking to have unprotected sexual relations while awaiting the results of an AIDS test. No way.

What will the results be if the SuperConspiracy gets it's way. An environmental disaster for humpback whales, sea turtles and monk seals is a possibility. We really don't know if humpback whales can share their calving waters with daily operations of a 40 mph ferry the size of a football field.

But that possible disaster will only be the beginning of the story that is unraveling. The precedent of an exception to environmental law for a "popular" program, regardless of its environmental impact, will be even more sinister in the long run. We will be able to blame our clueless legislature to no avail.

The floodgates will be open. Any corporation speculating on doing big business in Hawaii will be tempted to lobby for an exception to Chapter 343 on grounds that their project is popular and good for Hawaii.

If that happens the governor will have reached a major milestone on her real agenda - the unrestricted growth of *business and the military in Hawaii*. The irksome environmental laws protecting us will be swept under the carpet or ignored, much like the Kauai Planning Department ignores pesky Special Management Area (SMA) requirements and Visitor Destination Area (VDA) restrictions.

This will be a catastrophe for Hawaii. Of course the people on Oahu won't recognize it as such. There are almost a million people on Oahu. On its own, Oahu is already lost, not sustainable and overburdened by development. Where the real difference will be is on the Outer Islands. Suburbanization will accelerate on the Big Island, Maui and Kauai.

If our legislature lays waste to the intent of Chapter 343, it will be the kiss of death for rural Kauai. We'll be a suburb of San Diego.

According to one state senator I spoke to, this Special Session of the legislature is a done deal and there are not the votes to stop an approval of starting some sort of ferry service. The only question left is what, if any, restrictions there might be on their operations. His suggestion was to make the legislature hear our voices from the outer islands. Make a great wind.

A Compromise to Save our Islands

No consensus is possible between the SuperConspiracy and those committed to the *aina*. The best we can hope for is for is that the legislature realize they will be stuck with the responsibility for the ensuing mess if they enable this "Drunken Sailor".

It appears Lingle has no intent to admit she has made even a tiny mistake in any of this. She is not even looking for a way to back out of the corner she has painted herself into. If necessary, she is going down with the ship. We will have to rely on the judgment of the legislators. We can hope that they have the depth of character to look beyond the short term and angry disappointment. Getting it wrong on this issue will be giving up on a sustainable future for Hawaii.

I believe that part of the populist support for the Superferry stems from the inherent understanding of the environmental gloom facing Oahu and the desire to have free access to the resources and space of the outer islands.

But, solving that problem is the real issue, not getting the Superferry running. If there is any sustainable solution for Hawaii after the Peak Oil Wave passes over us, it will be founded on the outer islands which are not overdeveloped. There we can grow food and provide resources that will be needed throughout the state. To overrun these islands now with "easy access" and "economic growth" will doom all of Hawaii.

There is a small window of opportunity to affect our legislature. Let them know the conditions under which you would allow passenger ferry service to begin between the islands. Maybe we'll be lucky and those conditions will be reasonable to the legislature yet unacceptable to the SuperConspiracy.

Governor Lingle's "Patriot Act" is on the table. Act now!

From: Susan Bradford [susanlray@hawaiiantel.net]
Sent: Tuesday, October 23, 2007 9:33 PM
To: testimony
Cc: All Reps
Subject: No Superferry before EIS



superferry.doc (39 KB)

Attached and below is my testimony regarding the Superferry

Susan L. Bradford
3145 Makamae Place
Kihei, HI. 96753
808-874-5351

October 23, 2007

Dear Senate,

I am very dismayed by the Senate's attempt to overturn both the Supreme Court ruling and Judge Cardoza's decision. It will strip our islands of the protections that we have through state environmental review law.

For two years, the Governor, the legislature and the Superferry people have been alerted that by-passing environmental laws is NOT acceptable. Hawaii is too precious to railroad this through with:

- a. No specific protections for marine animals
- b. No specific safeguards to protect each island from invasive species
- c. No provision to mitigate traffic and harbor congestion
- d. No protection of residents from inter-island crime and drug shipments
- e. No protections for the outer islands from the thefts of natural and cultural resources.
- f. No regard for the Environmental Protections Act
- g. No ability by the individual counties to regulate the Superferry

I am not opposed to ferries. I have taken many wonderful ferry rides in various places. But to thoughtlessly railroad this through without honoring laws that have been established to protect our fragile environment and all the reasons above, I am opposed to allowing the ferry to operate until an EIS has been completed and mitigation of any potential concerns is in place.

The Senate bill adds insult to injury by passing the buck of enforcement to the Governor, knowing full well that she has no interest in complying with our laws. What an obvious sham on your part!

Please stand up and be counted for looking at the long range protection of all aspects of our island. VOTE NO on allowing the Superferry to run without the above.

I am against allowing it to sail without the EIS. Minimum conditions would be NO CARS, low speed and the other conditions offered. But, just a pretty list of conditions does nothing without enforcement. And, NOT by the Governor who has already proven her disregard for these measures.

By the way, I was called in the poll. I was asked whether I supported the Superferry. I said I supported having a ferry but ONLY after an EIS etc was done. She marked me down as in support of the Superferry! That isn't what I said. Polls can be skewed in any direction and evidently there was no room in that poll for a thoughtful answer.

Please act to protect our precious islands.
Aloha,
Susan Bradford

access2

From: Tracey Schavone [tracey@kauaioutcallmassage.com]
Sent: Tuesday, October 23, 2007 9:34 PM
To: testimony
Subject: Relating to SB , Please honor court's decision

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am

PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Tracey Schavone
POBox 676
Anahola, HI 96703
822-4465
tracey@kauaioutcallmassage.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT

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

**MY POSITION: Please honor the Court's decision to require an
Environmental Review of the HDOT Harbor project BEFORE allowing**

10/24/2007

the Superferry to operate. If you pass this bill, please include the 29 conditions proposed by the Maui delegation (based on the court testimony during the recent trial.)

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

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

NOTICE OF INFORMATIONAL BRIEFING

DATE:

Sunday, October 21, 2007

TIME:

2:00 p.m.

PLACE:

King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

Tracey Schavone
POBox 676
Anahola, HI 96703
808-822-4465

Aloha. My name is Tracey Schavone. Mahalo to everyone present for taking the time to come to this briefing on a Sunday afternoon to hear to our concerns regarding the Hawaii Superferry.

I would like to begin by stating that I am in opposition to holding a Special Session for the express

10/24/2007

purpose of allowing the Superferry to operate prior to an environmental assessment or an EIS.

In reading this proposed bill I saw that it states "The purpose of this Act is also to amend all relevant existing laws".....the definition of amend is "to change for the better"...so in reality this document would be more accurate by stating "this Act is meant to circumvent all relevant existing laws." The definition of circumvent being "to go around or bypass".

I also saw included in this bill the following:

"By encouraging the growing of products on the islands of Kauai, Maui & Hawaii for the Oahu market, the operations of a large capacity ferry vessel company would foster diversified agriculture, helping the state of Hawaii to meet one of its constitutional mandates."

The Superferry fare for a commercial truck is currently \$860.00 for a full load and \$528.00 for an empty truck. This price does not include the passenger fares, which are \$52.00 or \$62.00 each way per person, depending on the day of the week. Not exactly a great deal for the farmers.

It is undeniable that the two most important things to sustain life are clean water and nourishing food.

If in fact the government wishes to foster diversified agriculture a Superferry is not the answer. Perhaps you could pass laws that actually protect our agricultural lands from becoming gentleman estates. Perhaps you could pass laws protecting the water rights of the farmers who are currently doing their best to provide diversified agriculture on our island right now, such as those experiencing hardships since the KaLoko Dam tragedy. Perhaps you could pass laws which would allow farmers to live on their land and allow them to provide housing for those who wish to assist them in their agricultural endeavors. Perhaps you could pass laws that would insure that our agricultural lands are being utilized to grow food which will sustain us rather than genetically modified corn seed that is not fit to eat and which may very likely be creating contamination of our soils, air and waters.

And in regards to an oversight task force to study the State's actions...who are we kidding here...this is absolutely ludicrous.

Please support our current laws....respect the decisions of our Hawaii Supreme Court and Judge Joseph Cordoza. The health and well being of our islands and our seas and all who inhabit them depend on your kokua. Please bear in mind that all life is sacred.

Ua mau ke ea o ka aina i ka pono

**The life (sovereignty) of the land is
perpetuated in (by) righteousness**

Sincerely,
Tracey Schavone
Anahola, Kaua'i

10/24/2007

access2

From: christine non [christine.non@gmail.com]
Sent: Tuesday, October 23, 2007 9:11 PM
To: testimony
Subject: HSF

please copy to senators tanaguchi, hee, english, gabbard, menor, hooser, committees judiciary and labor, trans. and internat'l affairs and energy and environ.

i am writing this for the children behind me in the auditorium in maui shouting "stupid americans"...and i have to agree.

christine page
po box 1298
kihei, hi, 96753

aloha, i'd like to thank the hnl advertiser for the info for me and others to see and understand who and what is truly behind the scaryferry which i learned of 2 weeks ago...and don't you love those blogs!...my favorite name for lingle is "kachingle"...kaching kaching, kachingle!...but there's nothing funny about john lehman and the military operations behind this little transport system...they've made no bones about the use of the superferry for the stryker brigade, an expansion, a newer greater military, equipment, vehicles, troops, and weapons to our islands...

my father is a military hero, fighter pilot, shot down, purple heart recipient...he couldn't fly commercially, so he got into politics...then my brother was killed in one of their great fighting machines...that's why i understand what is going on here so well...the expanded view...

and why today my name is " 2+2 =murder" ...today your name, senators, may be "rush to their cause"...

and i ask you WHY ARE YOU IN SUCH A RUSH to give a bunch of guys what they want, especially ABOVE THE LAW? over the will of the people, over what is respectfully set up by US, done to protect and ensure the longevity of our natural resources, land, waters, people, economy, our very health and well-being?

WHY ARE YOU IN SUCH A RUSH TO THEIR CAUSE???

if you examine the connection of lehman to the current u.s. administration, they are one and the same...

this is NOT about the money, these people litterally have ALL the money in the world...read October Vanity Fair magazine...\$9 billion disappeared, unaccounted for in iraq...they just take it out of the treasury whenever they want...it's all documented..read it...they even make up phony names and off shore bank accounts to make sure they don't get caught...but that is EXACTLY what IS happening as we speak...

thank god for good people willing to devote years of their lives, such as yourselves, to create the documentary films for the truth of what is going on...because the criminals behind the destruction of the U.S. Constitution going on right now is the same PROPAGANDA MACHINE that IS IN FULL FORCE and we must recognize it! THIS IS WHAT IS IN FRONT OF YOUR AGENDA RIGHT NOW!

***be fair to all of us and...view "loose change" the truth of what happened on 9/11, view "why we fight" film about the war machine, view "war made easy", and view "beyond treason"...take the time it takes, PLEASE!

READ THE PNAC mission statement and their document "rebuilding america's defenses...it's all online...published sept 00, a year before 9/11...

lehman, navy commander, impressive resume, was on the 9/11 commission...a little further

research with wikipedia reveals he's part of the "project for a new american century" coined PNAC where there document states on page 8 an urgency to create more bigger and better nuclear weapons and TEST them, even tho on the same page it states the OVERWHELMING dominance of the u.s. as a military force.

it reads like a bunch of homicidal maniacs! with their finger on the button...

i understand why they are in a rush, because all the military bases were being closed in the clinton years, so much so that my dad had to transport on commercial aircraft to get around...i'm like, so what?

commercial flights were really cheap then...the point was that ALL THE BASES WERE CLOSING.

These guys, the "men" behind, who own the industry of arms, ammunition, vehicles, supplies and equipment ARE the guys of PNAC.

Their industry was flailing and it needed a boost. What do any of us do when we need more business? We infuse it with whatever it takes. On pages 50-51 this document states that their plan is at odds with america, and our allies and they needed an event and there is PROOF that they created 9/11 to advance THEIR industry. READ THE DOCUMENT!!!

A transformation strategy that solely pursued capabilities for projecting force from the United States, for example, and sacrificed forward basing and presence, would be at odds with larger American policy goals and would trouble American allies.

Further, the process of transformation, even if it brings revolutionary change, is likely to be a long one, absent some catastrophic and catalyzing event - like a new Pearl Harbor. Domestic politics and industrial policy will shape the pace and content of transformation as much as the requirements of current missions.

These are the powers of the military-industrial complex.

The fabricated 9/11 and then covered it up. When you view the above documentaries you will see there is NO QUESTION.

WE'VE ALL BEEN LIED TO OVER AND OVER AND OVER...ARE YOU LISTENING AS THEY ARE NOW HERE AT OUR FRONT DOOR? AS THEY BOWL OVER OUR LAW? ARE YOU BLIND OR WILL YOU SEE WHAT IS HAPPENING FOR WHAT IT IS RATHER THAN WHAT THE PAID-OFF GOVERNOR (and others on the take) ARE TELLING YOU?

What you don't hear behind their lies about war are the screams of innocent men women and mostly children. The rant behind KILL< KILL< KILL< KILL< KILL< KILL are the deaths of thousands of people, just like you and me...90% of the casualties of the iraq war are civilians...in the hundreds of thousands...and u.s. troops have already surpassed the vietnam war...they just don't count the bodies that get in the transport vehicles if they're still alive...KILL< KILL< KILL< KILL< KILLLLLLLLLLLL...

they could've taken out saddam hussein in a covert operation, a hit squad if you will, as they have done on numerous occasions...WHY did they have to go to full scale "theatre war" as they call it?

\$, ego, thrill, power, and CONTROL and oh, yeah, \$ by the trillions...since oct 06 a billion disbursed to a handful of contractors...

we're finding out now where all the \$ is going...it's all on the internet...that's why on page 51 they also say they want to control the internet...just like dick cheney stated that he found the press after vietnam to be a problem that had to be managed...

WHY ARE YOU IN SUCH A RUSH TO THEIR CAUSE??? Because the lid of the information is blown off and reaching us while the lid is coming down on their treasure chest...

the so-called conspiracy theory of 9/11 is actually created by a bunch of criminals in power in our government, and while we speak, over 120 hours of NORAD audio is being broadcast around america, NORAD WAS ORDERED TO STAND DOWN ON 9/11. WHO IN AUTHORITY WOULD ORDER NORAD TO STAND DOWN???

I had a dream last night that somebody on google was offering a \$100,000,000 dollars for the eyewitness testimony of who ordered NORAD, our military protection to stand down...

THINK ABOUT THAT! NORAD WAS ORDERED TO STAND DOWN on 9/11...i actually witnessed a conference taping in which the researcher investigating had dozens of testimony of NORAD guys that put Dick Cheney at the helm and behind that order. WE SHALLL ALL SEE IN SHORT ORDER!

we the current people of hawaii, demand all those who took money, donations, contributions, bribes, it all appears to amount to bribery, whatever words we use, they TOOK MONEY from these company owners...be investigated...

LOOK AT WHAT THEIR KILL MACHINE BRINGS... LOOK AT THE DEPLETED URANIUM BABIES...

NOT 25 or 50 or 75 or 100 years but within a year and 2 years...NOW...NOW...NOW...

<http://www.democracynow.org/article.pl?sid=04/09/30/1411222>

THEY HAVE LIED TO OUR SOLDIERS for the sake of building an arsenal of ILLEGAL WEAPONS! They are CRIMINALS! DON'T LET THEM IN!!!

WHY ARE YOU IN SUCH A RUSH TO THEIR CAUSE??? because THEY ARE IN A RUSH...remember how they took hawaii from the queen? just ignored the president and congress? just did what they wanted anyway?

YOU ARE OUR PROTECTORS...DO YOUR JOB...ALLOW THE EIS TO BE DONE ACCORDING TO LAW!!! according to LAW...don't GET SUCKERED INTO THE CRIMINALS TRICKS...because they DESTROY the law and THAT WILL DESTROY US ALL! they've already hijacked our nation, don't let them take our state...

yes, today my name is " 2+2 =murder" ...tomorrow, senators, your names may be "accomplice to murder"...see you in the blogs...

Christine Page
PO Box 1298
Kihei, HI 96753

testimony

From: So Young Namikawa [SoyoungN@cbpacific.com]
Sent: Wednesday, October 24, 2007 9:15 AM
To: Yumi Laney; testimony
Cc: Margaret E. Murchie
Subject: RE: Pro SuperFerry

Bravo, Yumi!!

From: Yumi Laney [mailto:yumi@YumiLaney.com]
Sent: Tuesday, October 23, 2007 5:50 PM
To: testimony@capitol.hawaii.gov
Cc: Margaret E. Murchie; So Young Namikawa
Subject: Pro SuperFerry

To the Legislature:

It is just totally amazing that this SuperFerry has come this far and Hawaii again gives the message of being the anti-business state of the nation! We are islands in the Pacific, boating and water sports are traditional recreational activities we are privileged to. The mentality of being an island surrounded by water should not be in fear of what may or may not occur. I agree that we respect the environment and the preservation of our beautiful islands and waters. This is where the peoples of a state come together to plan smartly rather than oppose and hope "it" doesn't come back and when "it" eventually does, "it" comes back unplanned, ugly and costly. The SuperFerry should be able to operate on all islands during the environmental report process and the report should include reasonable recommendations with a positive approach for the good of the peoples of Hawaii. This is not a new phenomenon, ferries are in every major port in the nation and many coastal cities along the western and eastern coast and they have created beautiful marinas/piers for both the locals and tourists to enjoy. Cruise ships, Tourist catamarans, Young Brothers, commercial fishing boats have been successfully operating here in Hawaii for many years but there is nothing for the individual to get across the waters to our island except by air.

Hawaii needs other forms of transportation to outer islands not only as a choice of traveling but to keep transportation and traveling costs competitive: this flows over to the extended services such as airlines, car rentals and hotels. This service would greatly benefit our residents, families wanting to visit families, work related to business requiring a truck, tools and equipment or residents wanting to take a camping vacation to the outer island with their vehicles and gear. We were excited about going to Kauai with our VW campervan with diving and camping gear. We wanted to enjoy some of Kauai's parks and recreational facilities. We are not free loaders and we do follow rules of the parks and have used many of the Oahu facilities. The airlines have limited our baggage to 50 lbs for each bag and the smaller airlines, it is almost impossible to take the things you need for a

10/24/2007

week or more. Therefore, many of us would consider an outer island vacation over a Mainland trip if it were more affordable. One other factor which would be important to my family is that my mother has been advised not to fly because of her health condition and the intense air pressure of air flights on her heart. Having the ferry would solve that problem of inter-island travel. We on Oahu have for many years taken the brunt of progress so Hawaii can offer the World the activities and services required to compete in the World Economy. Last time I checked, Hawaii includes Oahu and all the other islands! Let us not be so ignorant that we are and will pay for this fiasco, one way or the other.

*"You are the heart
of my business!"*

*Aloha,
Yumi*

Yumi Laney, CRS, GRI

Vice President, REALTOR®

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Coldwell Banker Pacific Properties

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(808) 593-6450 (Direct) 371-9906 (Mobile)

(808) 596-0456 (Office) 455-1499 (Pers Fax)

Yumi@YumiLaney.com (E-mail) *"Moana Pacific Specialist"*

www.cbPacific.com/YumikoL (Website)

To Discontinue receiving commercial e-mail from me:

1) Press the Reply button

2) Change the subject line to read "Discontinue commercial e-mail"

3) Press the send button

access2

From: pete Doktor [dok@riseup.net]
Sent: Tuesday, October 23, 2007 8:43 PM
To: testimony
Subject: Please Uphold Our `Aina and! Law

Aloha Legislators

Aloha `aina. Please fulfill your obligation to protect Hawai'i, in this case by upholding our environmental laws. No corporation should receive legal exemption from its obligations to assess the likely harms of its actions before they occur. Doing so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for sustainable travel alternatives, changing the laws in this way cannot be justified. This is a democracy, not an auction!

Here are some of the reasons I feel so strongly about upholding Hawaii's current environmental laws:

- They're there for a reason: Hawai'i's EIS law should be upheld because it provides a crucial layer of protection for Hawai'i's irreplaceable natural and cultural beauty.
- The proposed legislation to exempt the Superferry from its obligations under the law is political & economic favoritism. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books. Proposed conditions on the operation of the Superferry fail to address to legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment. Do not enact another "Bayonet Constitution" that favors profiteers and spits on locals.
- Public participation is essential to a well-functioning democracy! Hawai'i's EIS law provides a rare opportunity for public hearings. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decision-making lacks pono, then so will the outcome.
- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which ALL businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly and in long-term public interest.
- Strong protection of public trust natural and cultural resources depend on upholding the law. Laws that are not upheld or enforced are shibai and useless!
- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete environmental review will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption will shame our political system.

pete shimazaki Doktor
Hawai`i Okinawa Alliance
1335B 9th Avenue
1335B 9th Street

Honolulu, HI 96816

943-8484

testimony

From: Sarah Thornton [sthornto@hawaii.edu]
Sent: Wednesday, October 24, 2007 9:18 AM
To: testimony
Subject: Please Uphold Our Environmental Laws

Aloha Legislators

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws. This corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

Here are some of the reasons I feel so strongly about upholding Hawaii's current environmental laws:

- Hawai'i's EIS law should be upheld because it provides a crucial layer of protection for Hawai'i's irreplaceable natural and cultural beauty.
- The proposed legislation to exempt the Superferry from its obligations under the law is overbroad. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books. Proposed conditions on the operation of the Superferry fail to address to legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment.
- Public participation is essential to a well-functioning democracy! Hawai'i's EIS law provides a rare opportunity for public hearings. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.
- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which all businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly.
- Strong protection of public trust natural and cultural resources depend on upholding the law. Laws that are not upheld or enforced are shibai and useless!
- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete environmental review will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption now will not.

Sarah Thornton
P.O. Box 10931
Hilo, HI 96721

access2

From: Pamela Polland [peemer@kula.com]
Sent: Tuesday, October 23, 2007 10:57 PM
To: testimony
Subject: Relating to SB 1 Relating to Transportation

**Relating to SB 1 Relating to Transportation
Requiring an Environmental Impact Statement, oversight Task force, etc.**

DATE: Wednesday, October 24, 2007 **TIME:** 10:30am
PLACE: Auditorium

Please distribute 35 copies to the Senators. Mahalo.

FROM: Pamela Polland
226 Kulalani Drive, Kula, HI 96790
808/878-3220 peemer@kula.com

THE SENATE

THE TWENTY-FOURTH LEGISLATURE

SECOND SPECIAL SESSION OF 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 AND ENVIRONMENT
Senator Ron Menor, Chair
Senator Gary L. Hooser, Vice Chair

**SUMMARY OF MY POSITION: Please honor the Court's decision to require an
Environmental Review of the HDOT Harbor project BEFORE allowing
the Superferry to operate.**

Dear Legislators,

I appreciate this opportunity to share my views.

It is totally clear by now that O'ahu "has the votes", but the outer islands DON'T WANT HSF service without the full EA in place FIRST.

10/24/2007

What amazes me is that HSF arranged for Legislators to get 4,000 emails supporting their cause, but what percentage of O'ahu voters is that, compared to the **percentages** of outer island residents who are so clearly NOT in favor of HSF sailing before the EA has been **completed and accepted**.? The numbers may look good, because, let's face it, HSF has 300+ employees, so all it would take is for each of them to get a dozen friends, and right there, you've got your 4,000 emails. But do they really represent an appropriate cross section of your constituency??

How can you, in good conscience, FORCE this operation on three islands worth of residents who don't want it? All the meetings this week were filled with SWEEPING MAJORITIES of residents against this operation.

250 years or so ago, Kamehameha The Great united these Hawaiian islands, but in one fell swoop, the Lingle administration is tearing us apart. This is SO OFFENSIVE.

Can you honestly say it is fair to let O'ahu FORCE this on us simply because it is that one island's will?? And is it really all of O'ahu's will, or just the noisy crowd of HSF employees and their family members? And yes, a handful of business people who are willing to risk "irreparable harm" for the sake of their own personal gain.

Two court cases have decreed that existing law be upheld, and still our Legislature pushes forth like a big bully with no scruples!!

If you are a member of the Legislature who feels "forced" by Lingle, you are having a direct experience of what it feels like to be a resident of Maui, Kaua'i and Hawai'i.

This is a TRAGEDY for our State that will not be forgiven or forgotten.

I beseech you...

Please do NOT let this be your, or our State's legacy just because the Governor chooses it as hers. Abandon this activity by adjourning any special session that may be called, and let the current law – (and the rulings which support it) - stand.

Mahalo.

access2

From: Francesco [francesco@kahunavalley.org]
Sent: Wednesday, October 24, 2007 12:14 AM
To: testimony
Subject: Superferry must have an EIS!

Aloha!

I want to make sure that my voice is heard in our democracy...

The Superferry needs to have an EIS... this is critical for our environment and for our spirit.

Mahalo.

Hearing notice for Wednesday, October 24, 2007 at the State Capitol. Here is the link online:
http://www.capitol.hawaii.gov/splsession2007b/hearingnotices/JDL-TIA-ENE_10-24-07_.htm (The same as below.)

THE SENATE
THE TWENTY-FOURTH LEGISLATURE
SECOND SPECIAL SESSION OF 2007

COMMITTEE ON JUDICIARY AND LABOR

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Senator Mike Gabbard, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT

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

NOTICE OF HEARING

DATE: Wednesday, October 24, 2007

TIME: 10:30 a.m.

PLACE: Auditorium State Capitol

415 South Beretania Street

A

G E N D A

Notice is hereby given that the Committees will be hearing a Senate Bill, that will be introduced at the convening of the Second Special Session of 2007 on Wednesday, October 24, 2007; and pending a referral to JDL/TIA/ENE. The subject of this bill will be 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. The 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.

Note: Copies of the proposed bill will be available online at www.capitol.hawaii.gov.

Decision Making to follow, if time permits.

10/24/2007

Persons wishing to testify should submit testimony in one of the following ways at least 24 hours prior to the hearing:

- In person: one (1) copy of their testimony to the committee clerk, Room 219, State Capitol.
- By fax: Testimony may be faxed if less than 5 pages in length, to the Senate Sergeant-At-Arms Office at 586-6659 or 1-800-586-6659 (toll free for neighbor islands), at least 24 hours prior to the hearing. When faxing, please indicate to which committee the testimony is being submitted, the date and time of the hearing, and the number of copies needed for submittal.
- By Email: Testimony may be emailed if less than 5 pages in length, to the Legislature's Public Access Room at testimony@capitol.hawaii.gov. Please indicate to which committee the testimony is being submitted, the date and time of the hearing, and the number of copies needed for submittal. In addition, please provide the testifier's name and mailing address in the email. Email sent to individual offices or any other Senate office will not be accepted.

If you require special assistance or auxiliary aids or services to participate in the public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the committee clerk 24 hours prior to the hearing so arrangements can be made.

Public Folder. A folder labeled "Public Folder" containing the measures and testimonies for the hearing will be available for shared use by members of the public.

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT 586-6460..

Senator J. Kalani English, Chair
Senator Brian T. Taniguchi, Chair
Senator Ron Menor, Chair

Francesco Garripoli
Kahuna Valley
P.O. Box 1921
Kapaa, HI 96746

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Qigong info: www.wujiproductions.com



**American Friends
Service Committee**

Hawai'i Area Program

2426 O'ahu Avenue • Honolulu, HI 96822 • Phone 808/988-6266 • Fax 808/988-4876
Website: www.afschawaii.org • Email: afschawaii@afsc.org

Date: October 24, 2007

To: Sen. Taniguchi, Chair, Sen. Hee, Vice Chair, Committee on Judiciary and Labor
Sen. English, Chair, Sen. Gabbard, Vice Chair, Committee on Transportation and
International Affairs
Sen. Menor, Chair, Sen. Hooser, Vice Chair, Committee on Energy and Environment
Special Session, October 24, 2007 10:30 am

From: Kyle Kajihira, Program Director

Subject: **STRONGLY OPPOSED** to Senate Bill to grant a special exemption for the Hawaii
Superferry to operate while not in compliance with HEPA

Thank you for the opportunity to testify. I am the Program Director of the American Friends Service Committee in Hawai'i. We are a Quaker peace and social justice organization and a past recipient of the Nobel Peace Prize. We have a list of approximately 1500 supporters in Hawai'i.

Special Session is Improper: I am strongly opposed to the convening of this special session. This kind of retroactive legislative fix amounts to a special favor for a single company that not only failed to comply with Hawai'i laws, but actively sought to circumvent those laws through its political deal making. Convening a special session to rescue such a company is an improper use of government authority that undermines governmental checks and balances and wastes public resources.

Special exemption for the Superferry violates the public trust: Thanks to the cultural and intellectual foundations laid down by Native Hawaiians, including such principles as *aloha 'aina* and *malama 'aina*, Hawai'i has a very strong public trust doctrine that requires decisions about public trust resources to be made wisely, responsibly and for the protection of those resources for future generations. This principle is at the core of Hawai'i's environmental review laws, without which it would be impossible to make informed and responsible decisions.

The proposed legislation before you violates the public trust by forcing a predetermined politically and economically driven decision for the primary benefit of one company without adequate information about the project's impacts to even make an informed and responsible decision. I urge you to not change Hawai'i's environmental protection laws to allow the Superferry to operate without an EIS. The passage of this bill would make a mockery of Hawai'i's environmental protection laws, our legal system, and the political process.

A special exemption for the Superferry would reward lawbreaking: The Superferry was not a victim. It actively and aggressively sought to circumvent environmental review laws and got caught. Company officials admitted that this was a calculated risk that the company decided to take. Now Superferry officials have resorted to political bully tactics to get their way. I urge you not to grant a special exemption to reward such behaviors. It would send the wrong message that companies that break the law in Hawai'i can get away with it or buy a political fix if they get stuck.

A special exemption for the Superferry will only incite more widespread and intense anger and conflict: Ironically this project that has been touted as a highway to unite the islands, is in fact tearing us apart. Our neighbor island 'ohana already see the process as a violation of their fundamental rights, and rightfully so. The way the Superferry is being imposed on the neighbor islands in violation of the law and without their consent or even basic precautionary steps is a form of forced intercourse. If an individual were to be subjected to the same treatment we would not hesitate to call it rape. And this explains the intense anger that has boiled over on the neighbor islands.

Passage of an exemption for Superferry would tear our islands further apart. It will destroy public confidence in the government and the rule of law in much of our community. By rewarding lawbreaking and retroactively legalizing an illegal action, this legislature would send the message to affected communities that the law will not protect you and that therefore resistance outside the law becomes necessary and justified.

This is not a popularity contest: Superferry spin doctors have spent lots of money to buy its support, most of it on O'ahu, saturating the media and manufacturing a virtual mob that they have whipped into a reactionary frenzy based on a misplaced sense of consumer entitlement. I urge you to have the political courage to uphold our environmental laws against this public relations assault.

The Superferry has become a watershed issue for Hawai'i. It has demonstrated the corruption and ineptitude of state officials and exposed the arrogance of the Superferry corporation. It has become the defining issue of the Lingle Administration for pandering to special corporate interests and threatening military force to protect those corporate interests. And it has unleashed the rage of communities sick and tired of having harmful and reckless decisions forced upon them. How will the legislature define itself in relation to this issue?

I urge you to protect the public trust and reject this bill, this special exemption for the Superferry. Thank you very much.