

Sheet 1#
3 at a time

Testifier List
October 21, 2007

PLEASE PRINT CLEARLY

- ✓ 1. Noreen DOUGHERTY
- ✓ 2. PRESLEY WANN
- ✓ 3. PETER MORIMOTO
- ✓ 4. Juan Wilson
- ✓ 5. Linda Pascatore
- ✓ 6. Janos Samu
- ✓ 7. Alberto Partida
- ✓ 8. Rebecca Miller
- ✓ 9. BASIL SCOTT
- ✓ 10. Arius Hopman
- ✓ 11. SCOTT Mijares
- ✓ 12. Karlos Deteau
- ✓ 13. Judy MARTIN
- ✓ 14. Melissa Barker
- ✓ 15. (Dagley Ham Young)
- ✓ 16. MELINDA SANDLER
- ✓ 17. KEN TAYLOR
- ✓ 18. Jill Friedman
- ✓ 19. Linda Harmon
- ✓ 20. John Tyler Cragg

Kainani Huff
Gene Taylor

Testifier List
October 21, 2007

(2)

PLEASE PRINT CLEARLY

- ✓ 1. MAHEANI SILVA
- ✓ 2. DENNIS DIAS
- ✓ 3. MARY MULHALL
- ✓ 4. CINDY GRANHOLM
- ✓ 5. CARAY GRANHOLM
- ✓ 6. GILBERT NIETO
- ✓ 7. RICH HOEPPNER
- ✓ 8. VASKEN TCHAPKASTE (VASKEN)
- ✓ 9. WYNN HANSEN
- 10. DAVID HELELA
- ✓ 11. Barbara Elmore
- ✓ 12. JUDIE LUNDBERG
- ✓ 13. David Leopold
- ✓ 14. JONCH SEPPELD
- ✓ 15. Louisa Wootton ~~Melanie Wootton~~
- ✓ 16. G. Iinz Goodwin
- ✓ 17. HARRY BORANIAN - Phone 808-245-7704
- ✓ 18. TIM RYSDALE KAPA'A
- ✓ 19. Jimran Raphael
- 20. Debra March Copp

(3)

Testifier List
October 21, 2007

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1. LARRY LITTLETON
- ✓ 2. Tek Nickerson
3. ~~Banchar Francisco~~
- ✓ 4. Jane Sezak
- ✓ 5. SYLVIA PARTRIDGE
6. Bonnie Earls-Solari
7. Paul D. Lemke Paul D Lemke
- ✓ 8. Keone Kealoha
- ✓ 9. Kawika Winter
- ✓ 10. Jonel Elias
- ✓ 11. Kaikea Elias
- ✓ 12. Joan Kutzer
13. ¹³¹ X Kaciulani Huff
- ✓ 14. Bettep Dux pronounced Dukes
15. GENE TAYLOR
- ✓ 16. Michal F. Stover
- ✓ 17. Carl Berg
- ✓ 18. David Dinner - 1000 Friends Kawaii
- ✓ 19. ^{Sha} Ika Chaska
- ✓ 20. Nick Donofrio

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Testifier List
October 21, 2007

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- ✓ 1. MICHAEL SHOULTZ
- 2. DOUGLAS BRITT
- 3. CHRIS ATKINSON
- ✓ 4. DON HEACOCK
- 5. Mary Stone
- 6. GEORGINE CROCONA
- 7. JOE CROCONA
- ✓ 8. Elaine Yadao
- ✓ 9. Kukiyo Rapozo
- 10. Kiani Rapozo
- ✓ 11. Keala Rapozo
- ✓ 12. Chris Kobayashi
- ✓ 13. Payne Regush
- ✓ 14. LINDA MASTERSON
- ✓ 15. Fred Dente
- ✓ 16. Mari Dente
- ✓ 17. Nani Rogers
- ✓ 18. Noah Hamilton
- ✓ 19. JoAnn Yukimura JoAnn Yukimura
- ✓ 20. John Peterson

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October 21, 2007

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- ✓ 1. PADDY KEAN
- ✓ 2. Michael Fox
- ✓ 3. Paul Reppel (Replogo)
- ✓ 4. Laurel Brier
- ✓ 5. Andrea Brower
- ✓ 6. Bob Brower
- ✓ 7. Peggy Watson
- 8. Sally Wilson
- ✓ 9. KIP GOODWIN
- 10. Yo' Kaduce
- 11. Jimmy Trujillo
- 12. Lestee Dancoese
- 13. DAVID H DINNER
- ✓ 14. Tim Binn
- 15. DAVID BIRGE
- 16. Didi Chock
- ? 17. HEZ GOD ALL LIAENZ RICHARD
- ? 18. HEZ GOD ALL LIAENZ ANNE
- ? 19. HEZ GOD ALL LIAENZ MARIANNE
- ✓ 20. Carol BAIN

Testifier List
October 21, 2007

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(Carter)

- 1. Reanna Carter
- ✓ 2. Edward Bell
- ✓ 3. Ken Soplina RN
- ✓ 4. Wendy Raebek
- ✓ 5. Dennis Chun
- 6. Jonathan Chu
- ✓ 7. Dwight de Armas
- ✓ 8. Theryl Lovell-Obatske
- 9. Gabiela Taylor
- 10. DAVID WARD
- ✓ 11. PAUL MASSEY
- 12. Ken Silva
- 13. Joan Conrow
- ✓ 14. JIM QUINN
- ✓ 15. NOELANI JOSSELYN
- 16. Noohar Paik
- 17. Caen Diamond
- 18. Janet Ely
- ✓ 19. Judy Dalton
- 20. Kyle Brown

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October 21, 2007

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- 1. ~~J. H. Taylor (Jay H. Taylor)~~
- 2. Aiyannah / Kukiupah / Chandra-Walker Chana
- 3. LEO OSIAS BAOTI KAHU KAUA I HI,
- 4. BRUCE STINE (HANAHEU)
- 5. Megan Wong
- 6. ANNE PUNOHU (KALAEHO, KAUAI)
- 7. Lloyd Amueikaika Pratt (Makooli, Kauai)
- 8. RICHARD BRILLIANDE-WHITE
- 9. LES GALE
- 10. BOB BUTLER
- 11. DIANA LABEDZ
- 12. GORDON LABEDZ SURFRIDER FOUNDATION
- 13. Carol Ann Davis Poipu Kauai KCA
- 14. Deborahke Celestino
- 15. Louise Sausen
- 16. Lloyd Miyashiro
- 17. Lani Kawahala
- 18. RICHARD DIAMOND
- 19. Tracey Schayone
- 20. Wendy Berntson

PSS

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Testifier List
October 21, 2007


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1. Michelle Fields
2. Ken Nakazawa
3. Mi-key ~~✗~~
4. Debra Kekaulua
5. Luana Ruggiero
6. PALANI KAUWA
7. Albert Diego
8. ~~Scott Jarvis~~ Scott Jarvis
9. ~~STEVEN VALIERT~~
10. Saway Fisher
11. Michele Oling
12. PUNIA
13. Timoteo Hewlen
14. ANN SERVANTES
15. ADAM KAYE
16. John Krause
17. Kimberlee Stuart
18. Jeanine Etienne
19. Jacke Kozak
20. Ken Davico

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Testifier List
October 21, 2007

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1. ~~Russel~~ Russel Hill 
2. Momi Locey
3. Elizabeth Diamond
4. Jay H. Taylor
- 5.
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ADAM KAYE

Calvin says vote should not count.
because of his son

This is not about KCC it's about
Island Residents

How do the people of Oahu know
what is best for Kaaui?

What's the rush. A little short notice
And a smallest cafeteria on the island
with the smallest parking lot.

Are you really all against the Ferry?
Can we get that on the record.
That's 7 votes against.

my name is Elizabeth Diamond
& Wailua

Thank you for having the good sense to come and hear what your employers have to say to you, and thank you for letting me speak.

Kauai has a destiny, which is one of harmony and co-operation between humans and nature, and to be an example of true caring for the land and all her inhabitants, and the bountiful return that results. More and more of us are gathering here, to help fulfill this destiny, this dream, which is also our dream. The Polynesian people have prepared and held sacred this land till this time when people of all colors, ages and beliefs have come together to speak out and say "this land is sacred, and we must live in a way, that honors this sacredness and perpetuates life!"

And so we say yes to sustainability, to controlled development based on principles that are eco-friendly, people friendly, organic. Yes to solar, wind and hydropower. Yes to ~~organic~~ ^{organic} seed companies and produce. Yes to farmers living on their farms. Yes ~~and~~ to everything that perpetuates life. And, yes to an EIS before the Superferry operates. So you see, the Superferry is a part of a bigger picture. Now we shall call for EIS for every large project that has potential for harming the balance so needed here. We have found each other and are committed to reversing ~~the~~ ^{Kauai's} course from gradual destruction to a living example of the perpetuation of life.

When this situation is settled we will
move on to the next, and the next,
until it is understood that our love
of Hawaii and her potential fuels the
fire in our hearts and keeps us
motivated. You will hear from us
again.

Maahalo

Aloha - All Senators

Thank you for holding this ^{briefing} ~~briefing~~ allowing me to voice my concerns regarding the Superferry.

I am in support of the special session to draft a bill allowing the Superferry to operate while the EIS is in process.

I read the bill on the website and found it to be acceptable at this point. I see this bill addresses the concerns and issues of an EIS and allows the superferry to operate. The measures and restrictions carefully explains the process taken and that it will not allow room for any endangerment to the marine life, invasive species, fishing, hunting, traffic and all other issues specified that involves an EIS.

This bill allows the Superferry to operate, an EIS to process and help those employees back to work.

I leave this statement ~~to~~ that all this protesting has and did ~~disturb~~ jeopardize the Aloha Spirit. I heard and saw protesting that led me to believe they are self centered. For themselves. ~~Make~~ Allow the Superferry to operate and ~~at~~ the same time an EIS in process.

In the end you will find that we can adapt to this change that will help us to coexist with each other safely, ~~best~~ healthy, and happily. ✱

Thank you to Aloha

Debrahke Celestino

PO Box 606

Kekaha HI 96752

651-0842

DAVID WARD ©
SAYJAZZ@HOTMAIL.COM

We citizens must recognize the problems presented by the Superferry and address them now.

It will not be easy because there are powerful special interests at work here.

Are short term profits more important than the planet we will leave for our children and grandchildren?

The potential damage to the environment is being shoved aside.

The Superferry epitomizes super-capitalism, corruption and destruction of our environmental laws.

The Superferry has powerful friends in Washington and in Honolulu. Powerful enough as evidenced by the recent actions by our Governor and various officials.

Each branch of the government can only act within the scope of it's powers and not usurp the powers of another branch. Otherwise, it is unconstitutional.

The Supreme Court made it's decision. Each branch must respect the integrity of the other branches and the system as a whole, by exercising only the power given to that branch.

Our democratic system of laws must prevail, not popularity contests taken in the heat of this debate.

What our state urgently needs from you, our political leaders is visionary thinking about the transport needs of the future.

This ship on steroids does not have a viable future. It was designed for high speed military transport.

Its extreme fuel consumption: 6,600 gallons of diesel for a one-way trip, vs. 400 gallons for the same trip in a jet, is not economically viable in the coming world of oil depletion.

It's twin hulls that go fourteen feet below the ocean surface will slice through whales and Monk Seals like a hot knife through butter, at 40 MPH.

Don't you respect the environmental laws that protect our endangered species?

Sensible and courageous action by you, our leaders, will protect our environment for our future generations and can set the ferry on the right course.

Honored guests and fellow Kauaians,

I am Tek.

Welcome to Kauai, the land of law and the moral compass.

~~Like the nation's congress and national leadership,
like the state's legislature and state's leadership,
so we Kauaians reflect the polarity of issues.~~

Every human, who is not a sociopath,
innately knows the difference between right and wrong.

We have created laws to remind us of our moral compass.
These laws
are intended to safely guide us through these tempests.

It is unconscionable to pass a law to cover illegal tracks. A higher law will
hold you accountable, as will the voters.

It is unconscionable to pass a law that would benefit one profit-making
company at the expense of the People.
That action is precisely how these islands were stolen in the first place.
Two wrongs don't make a right.
A higher law will hold you accountable, as will the voters.

So, I call for everyone, without exception, to pause,
go internally with aloha to their highest heart, their divine heart, and
reset their moral compass to the default of their Divine Father/Mother.

And then
surrender their actions
to reflect their divinity, nothing less.

Thank you for your consideration.

Aloha, I Am Tek

October 21, 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

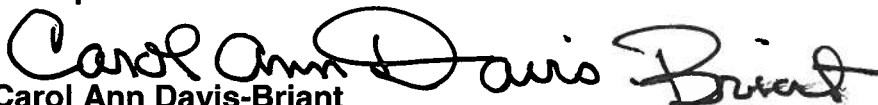
Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

My name is Carol Ann Davis. I am not a haole from the mainland. I was born and raised in the Territory of Hawaii, graduated from Punahou school and the University of Hawaii. My father, Elmer Davis, was born under the Hawaiian monarchy, my grandfather, Henry Davis was a public accountant and served briefly as postmaster and register of voters under Sanford Dole. My uncle Alan Davis owned Hawaiian Tuna Packers, was chairman of the board of C Brewer and Campbell Estate. My father's cousin, Henry White was chairman of the board of Dole Pineapple. So as you can see I am not a "just arrived person" protesting something in a culture I know nothing about"

The state legislature should uphold the judicial ruling that the super ferry should be required to have an environmental impact study before it begins operation. Amending the judicial ruling with a bill passed in special session, would be a slap in the face to the 1000s of people on Kauai and Maui who have spent many hours begging for an EIS study. If the legislature forces this bill down the throats of the people of Kauai and Maui allowing the super ferry to operate before an EIS, it would be a great travesty.

The legislature must uphold the court ruling stating that an EIS is law. Otherwise the state legislative body would be eroding our democratic process. US president, George Bush, and his cabinet have eroded our basic freedom and rights. The Hawaii State Legislature should not follow this bad example.



Carol Ann Davis-Briant

2381 Kipuka St

Koloa, Kauai, Hi 96756

808-742-6523



Norbert Roessler

Box 223749 Princeville, HI 96722 808-827-8227 us@Kauaigems.com

To Whom It May Concern:

We, Norbert and Ina Roessler, husband and wife are full time residents of Kaua'i and have been so for eight years. Our mailing address is shown in the letterhead. Our physical address is 4184 Kekuanaoa in Princeville 96722. We offer this Testimony to the special hearing being held October 21, 2007

We are absolutely against the presence and the operation of the Superferry on the island of Kauai and are aware that the Superferry was granted such presence and operation without the due process of law in which an Environmental Safety Report was required.

We feel that the Superferry is a serious and dramatic threat to the safety of our ocean, its creatures and the island of Kauai itself. We feel that the Superferry imposes an unsupportable burden of traffic on island roads which are already congested. We feel that there is no way to properly police the transfer of unwanted pests on the Superferry.

Respectfully submitted, Ina and Norbert Roessler
10/20/07

KAUAI

Dear Legislators

I am making comments as the President of 1000 Friends of Kauai and thank you for coming to Kauai to listen to our concerns. The Legislature is about to embark on an illegal and ill- advised action that will further split the already divided State of Hawaii.

It is hard to imagine any other reason for a special session of the Legislature than one in which the people of Oahu are so intent on overrunning the Island of Kauai that they would completely ignore the wishes of its people. Have we descended so far into tyranny that we cannot see the injustice of these proposed actions? I can foresee a time when the waste production in Honolulu becomes so great that the Legislature will pass a law that Oahu's waste will be exported to the neighbor islands. Would that be pono? Then neither is this. The citizens of Kauai need to feel that our wishes are met . This issue, in the final analysis, is not about the environment. This issue is about our home.

Let us be clear. There are no adequate conditions to protect Kauai and our wildlife that the Superferry developers would be willing to accept. Their story has been lies and half truths from the beginning and I have to wonder if this is the kind of business that the state should be importing. How can we ever monitor the activities of the ferry to know that they are abiding by any conditions that are placed? Shipboard policeman? Will the Superferry developers accept a 14 knot speed limit? No. Will they travel without autos? No. Will they hire additional agricultural inspectors? No. Will they hire DOCARE enforcement officers? No. Will they be honest and up front about their military involvement? No. Will they tell us of their plans for a total of 5 Superferry slicing the waters of Hawaii? No. Will they negotiate in an honest and forthright manner with the neighbor islands rather than telling us how it is going to be? Definitely no.

The special session will kick off a round of costly and lengthy Constitutional court battles and in the end we will be back where we started. EIS FIRST. The launch of the Superferry, if it is allowed, will trigger a public outpouring from the neighbor islands never before seen on these shores, at least not since the attempted invasions by Kamehameha.

This game is over. The courts have ruled and it is time for the Superferry to sail away until an EIS is completed. No Special Session. No special compensations.

With great respect

David H Dinner

President 1000 Friends of Kauai

10/21/07

HANAMAULU, KAUAI, HI

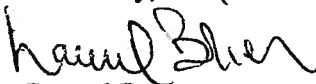
October 21, 2007

Testimony to the Hawaii State Senate

Re: Special Session for Super Ferry

The law is clear. The Supreme Court has reinforced what the law already clearly states that an Environmental Assessment is done prior to the action in question. It is a good law. It is to protect our environment. How do legislators expect to have the expertise to predict what could be potential negative environmental impacts and propose measures to mitigate those impacts? You cannot. It is people who are highly trained in the field that are responsible for the EA, and then determining if a more involved environmental impact statement is needed. And surely it will be. There are many considerations and complexities that a vehicle traveling at the proposed speed of the Super Ferry and carrying over 200 vehicles off and on each trip will bring forth, given the proper investigation. What higher calling can you have as leaders than to protect our environment? Do not circumvent our laws. Please carefully weigh the possible gains and losses in this proposal. Do not place yourselves in the position of having to apologize to your children and their children for your part in the further unraveling of our precious and fragile ecosystem in Hawai'i and the laws that are in place to protect it. For what? NO Conditions. NO compromising the Aina or the integrity of our laws and our judicial system.

Sincerely,



Laurel Brier
Anahola, HI
822-9224

INDEX - ECONOMY

www.islandbreath.org

SUBJECT: HAWAIIAN ECONOMICS

SOURCE: JONATHAN JAY jonathan@DAkauai.com

POSTED: 15 OCTOBER 2007 - 7:45am HST

jonathan jay
808 634-3396
jonathan@dakawai.com

Don't give a damn about a bad reputation



image above: Lego dinosaur display at Mall of America's center court in Bloomington MN

by Jonathan Jay on 14 October 2007

About Hawai'i developing a "'bad reputation' as a place to do business" if the SuperFerry is allowed to sink in it's own folly - this statement is only true by half - here is the rest of the story:

If we hold firm to our environmental laws there is not one, but TWO messages we send out to the rest of the world, businesses and their equity investors:

1) Hawai'i is a GOOD place to do GOOD business -

Come to Hawai'i - invest, follow the rules, respect the land and the peoples and you will have healthy business and respectful profits. You can know our laws will protect your business from unfair competition by lawless corporations that are more interested in their own operation than they are of the operation of the rule of law. If you love the place we live in and the health and well being of the economic environment of law abiding 'aina respecting firms in the greater business community, come to Hawai'i.

2) Hawai'i is a BAD place to do BAD business -

When we are fair but firm, hold the line on our values and laws even against HUGE financial interests with MASSIVE political, media, and economic clout are not above the law. When we remain steadfast in our resolve that even those that claim to be 'Super' are still below the law, WE DETER OTHERS from coming here and thinking they will also get 'special' treatment. If you want to

stuff neighbor isles, ignore our law and twist our legislature to bend to your will,
STAY AWAY - you are not welcome.

Both of these messages are hugely beneficial for Hawai'i. There is NO downside. They draw to us what we desire, and repel that which would degrade our communities. Nothing 'bad' about that. In fact, this is the classic 'win-win', and that's a very good thing.

Please call your state legislators and ask that they stand up and stand tall for all of Hawai'i nei. No 'special' treatment for 'super' ferries.

Island Breath: Legislature Contact List 10/10/07

SUBJECT: HAWAII ECONOMICS

SOURCE: SHANNON RUDOLPH shannonkona@gmail.com

POSTED: 15 OCTOBER 2007 - 7:45am HST

I'm no math wiz, but thought this interesting...

by Shannon Rudolph on 12 October 2007

Can someone explain to me how the superferry is going to make money based on its own load factors ?

The following from HSF
Hawaii Superferry is taking care to manage traffic flow in and around each island harbor.

We expect an average load of about 400 people and 110 vehicles per trip.

Hawaii Superferry staff will manage the arrival and departure of vehicles to facilitate traffic flow on adjacent roads.

Revenue according to the above load estimates:

Average one way trip revenue
400 passengers x \$ 50 =\$ 20,000
110 vehicles x \$ 60 =\$ 6,600
Total \$ 26,000

Number of one way trips per week as scheduled :
14 between Oahu and Maui.
12 between Oahu and Kauai.
Total trips per week 26
HSF estimated weekly revenue \$ 26,000 X 26 \$ 676,000

Expenses Stated weekly operating cost by HSF Pres. Garibaldi
The ship idle (no fuel expense)\$ 650,000

The current price for marine diesel is \$740/metric ton at Honolulu.
At 358 gallons per metric ton that is a price per gallon \$ 2.07

Fuel consumption per one way trip 6600 gallons , Kauai or Maui

Kauai or Maui average fuel cost (one way trip) \$13,662

Fuel cost 26 trips per week x \$13,662 = \$355,212

Weekly operating cost including fuel \$ 1,005,212

Operating loss per week based on HSF load factors \$329,212

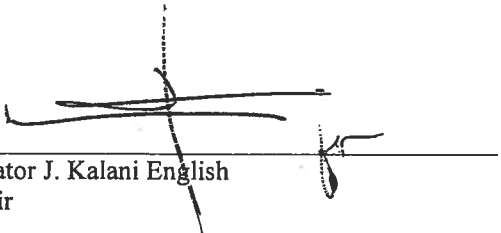
click at right to comment **Island Breath Blog**

www.islandbreath.org

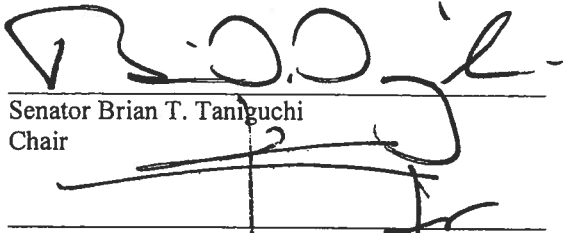
Pau

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.

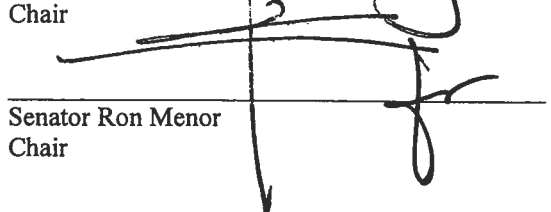
FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT 586-6460.



Senator J. Kalani English
Chair



Senator Brian T. Taniguchi
Chair



Senator Ron Menor
Chair

Written testimony from Michele OLRV

I grew up on Kauai, and I have seen the many changes that have come to Kauai - some good, some bad.

I have also lived and worked on the mainland and overseas in other countries as a biologist and veterinarian - ~~eat~~ laboring to care for animals and people locally and globally - public health, food livestock, endangered species and indigenous cultures. America's laws to protect the environment are laws to also protect cultures and people who depend on the environment to live and enjoy. I have just returned from serving nomadic tribes in Kenya - and I have seen how they people suffer when the environment - the ground that produces plants & food, that feeds wildlife and livestock is destroyed, how water sources are destroyed when the forest watershed is destroyed and people and everything suffers. This is the long term result when the environment is not protected. On Kauai I work to protect the island environment from invasive species and the marine ecology and its endangered species. ~~the~~ Kauai already is battling environment degradation. If we let the superterry operate and we do not uphold environmental laws and more protection Kauai will be lost & we will suffer.



Public Comments on Kauai re. Superferry Special Session

October 21, 2007, Lihue, Kauai

Legislators,

Thank you for coming to Kauai to hold this public meeting. Special thanks to our Kauai legislators who have supported Kauai residents during this difficult time.

I am a 35-year Kauai resident who loves this island and the sea surrounding it. Let it be on record now that I am opposed to a special session of the legislature.

I like what resident Juan Wilson wrote in The Garden Island newspaper. Were an exemption to the law be allowed to let the Superferry run before an EA is completed, it would be "equivalent to asking the have unprotected sexual relations while awaiting the results of an AIDS test."

Please don't expose us to a ^{1/2}trail run to see if the Superferry harms or kills whales, or to experience how our narrow roads leading to Nawiliwili and the rest of the island are be choked with traffic. Please don't let us find out that our small parks are stuffed with vans and campers from off island, or to learn that coqui frogs or mongoose have been left behind.

Make us proud of you as our leaders. Instead of looking like politicians who kow tow to big business, please act like leaders who have enough integrity to follow the law.

No Superferry before the EA is completed. No Special Session!

Sincerely, Gabriela Taylor
5620 Keapana Rd., Kapaa, Kauai, Hi. 96746

808 873 9013



To My Legislature members listed below:
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

Please uphold your integrity; uphold
the current laws; EIS FIRST; ~~THE~~

RESPECT the decisions of our Hawaii Supreme
Court, and Judge Joseph Cordoza. Honor
the voices of the vast majority. ~~THE~~

Please don't allow this bill to pass. It's about
all lives' future.

Robin Yost
Kapaa, Kama'i, HI

Honorable Senate Members,

Aloha, my name is Melissa Barker. I want to thank you all for taking time, on your Sunday, to come to Kauai to hear our concerns. I am married to a small business owner and have two children.

I am here today to respectfully ask that you take careful consideration of what the Superferry and Governor are asking of the Legislature. Requesting a special session to amend existing laws to override a Hawaii Supreme Court ruling sets a very bad precedent. Be that as it may, I understand you are under tremendous political pressure to do just that. Please, at the very least, leave in conditions to have no vehicles on the ferry and keep the speed to 12 knots during the EA.

I don't get it. Call me crazy, but the Superferry investors and the Governor took a gamble. These are sophisticated parties with teams of lawyers working for them. They couldn't have weighed the outcome of the appeal of the EA exemption and saw the possibilities? Or was it always assumed that the Legislature would come to the Superferry's rescue if the Hawaii Supreme Court overturned the EA exemption?

Too bad our governor hasn't spent a tenth of the time she has spent on the Superferry to work to better public education for our children.

I have to say I am not one who would protest a company if they'd gone through the correct procedures to begin service in our islands. I may not ever ride on it, but I wouldn't feel obligated to stand up against it. By ignoring our environmental laws, they have shown that they are the ones with no aloha.

Thank you for your time and consideration.

Melissa Barker
6230C Hauiki Road
Kapa`a, HI 96746

TESTIMONY TO LEGISLATURE PANEL ON HAWAI'I SUPERFERRY
Sunday, October 21, 2007, King Kaumuali'i Elementary School

Good afternoon. Thank you for allowing me to comment on the action concerning the operation of the Hawai'i Superferry. I'll try to be brief.

Developments over the past several weeks about this issue has led me to the conclusion that absent an environmental impact statement the Hawai'i Superferry should not be allowed to sail. In simple language: No EIS, No Sail.

But is there room for compromise? Maybe.

What bothers me most about this whole thing is the same old, same old arrogance and operation of Big Government and Big Business in Hawai'i nei. It reminds me of the military-industrial complex that President Dwight Eisenhower described more than 40 years ago. As you recall, the president warned that we keep a sharp eye out on the principles of our society; that it is kept in balance as the country proceeds to create the industry needed to support the military required by the emergent world superpower that we had become. Did we succeed in keeping our balance?

On the national level, I would say the results are mixed, at best. Today, our nation's "war on terror" stands as an example of how not to conduct our foreign affairs on the backs of our military while also draining our national treasure in the process. Inept policy decisions together with clumsy execution have eroded our reputation throughout the world, and Americans are distrustful of their government.

Here in Hawai'i nei we have a history of actions that have been impacting the balance of our island-style society, the result of "full-speed ahead" Big Business projects, supported by a compliant Big Government. One needs only to look at what's happened to the main island of O'ahu for examples of how our way of life is being corrupted. Crowded communities, awful traffic on its roads, a huge homeless problem, and a tired environment suffering from the weight of it all.

Although we have wisely developed laws to protect against damage to our environment, it is the environment that is often the first to be sacrificed in the name of progress. Examples are Kaho'olawe, the H-3 Freeway, basing the Stryker Brigade in Hawai'i. There are more. And Hawai'i Superferry will be yet another example of rampant disregard for the environment, our *'aina*.

One element to this Superferry problem that concerns me, but that we have not yet discussed, is the corrosive effect it has on the moral character of our people. I was disappointed and confused when first reading the derogatory comments being made by Honolulu people in letters to the papers about us here on our island, and environmentalists on Maui. Further, their claims of entitlement seemed misplaced and

not *pono*, moral, fitting, proper. It just seemed off balance. I realized then that the Hawai'i Superferry issue is not just about its potential impact to our physical environment, but also to the moral character of our people.

Let me quote a part of President Eisenhower's 1961 warning for support: "Another factor in maintaining balance involves the element of time. As we peer into society's future, we -- you and I, and our government -- must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow."

No EIS, No Sail?

As a practical man, I recognize the potentially damaging situation we would create if the Superferry were to be sent on its way elsewhere. Therefore, given that a special session of our Legislature will likely be held to resolve the issue, I respectfully ask that you consider the following conditions for allowing it to sail while the EIS is being done:

- Governor Lingle acknowledges her part and responsibility in the matter;
- The Legislature develops appropriate operating conditions to mitigate impact on the environment;
- Hawai'i Superferry accepts and operates precisely in accordance with the Legislature's mitigating conditions;
- The Oversight Task Force in the draft law is implemented as proposed.

Good luck.

David H. Helelā
180 Hawaiiana Street
Kapa'a, HI 96746

Tel: 808-8230973
Email: davidhelela@msn.com

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

Testimony for: Sunday, October 21, 2007

COMMITTEE ON JUDICIARY AND LABOR

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

COMMITTEE ON ENERGY AND ENVIRONMENT

My name is Joan Conrow and I live here on Kauai.

First, I want to state my objection to the entire process that has led us to this point — to this place where we, the people, are having to line up to give our two minutes of testimony when Superferry lobbyists have had free access to legislators and their super advocate, the state Attorney General, actually drafted the bill.

The preamble to this bill states that it is needed because the Superferry will be good for Hawaii.

But I ask you, what good has it done so far?

It has caused our governor and her Administration to take actions that have been found unlawful by our highest court — actions for which she still refuses to accept responsibility.

It has created a deep division between Oahu and the Neighbor Islands.

It has prompted mass demonstrations, and caused 14 people to get arrested.

It has led to the creation of an unprecedented “unified command,” a security zone that blocks the people from using a public harbor, and a massive build up of police power prepared to move against the citizens of this state.

It has generated international negative publicity for the Islands.

And now, it has caused our lawmakers to meet behind closed doors, hurriedly endorsing a bill that will override our environmental laws and perhaps violate our Constitution — all for the sole benefit of one corporation that so far has brought our state nothing but strife, conflict and grief.

I ask you, please, slow down, back up, and reconsider your actions in convening a Special Session for the purpose of adopting this bill.

Because I tell you, nothing good can come from it.

Mahalo.

Welcome and thank you for coming!

Looked at from an historical perspective, one of the side effects of business activity on planet earth has been and is the pollution of our land, the pollution of our waters, the pollution of the sky and the killing off of thousands of life forms on the land and in the ocean. Now the pollution of our atmosphere and the resultant global warming has the potential to end life on earth as we know it. ~~In a few years, Honolulu will be underwater.~~

All of this pollution is manmade and caused by the unwillingness of policy makers and businesses to value our environment and give it priority. The example of the Superferry is just one of thousands of political and business decisions that have put the needs of business first and the needs of the environment second by minimizing, discounting and ignoring the environmental effects of the business.

This is no longer a valid approach! This is not pono! Not only do we need strong environmental laws, we need government officials and legislators with the vision, with the strength of character and with the political will to enforce them!

From the beginning of the Superferry event, Gov. Lingle, government officials and many legislators have vigorously fought to put aside Hawaii's environmental laws so that the Superferry can operate as it wishes – they are minimizing, discounting and ignoring the irreparable harm that can and will be done to our environment if an EIS is not completed and necessary changes made before the ferry operates.

The court has upheld our environmental laws. I am asking you to allow these laws to be enforced. An EIS First or the Superferry must leave! Any compromise on this very important issue will harm our environment and is thus unacceptable!

EIS First or No Superferry!

**Sylvia Partridge, Princeville
October 21, 2007**

Testimony regarding "Superferry"

October 21, 2007

Mahalo for accepting this testimony as I cannot attend the hearing today.

The six thousand plus Kauai residents who signed the petition asking for an EA and EIS before the Superferry would begin to operate are grateful to you for coming here to hear our views. We have felt disregarded and disrespected by our Governor and those in charge of fast-tracking this private business venture.

I would like to offer a compromise which is not what would entirely please me or others on Kauai.

1. The Superferry would travel at 10-12 kts., maximum. Also, an authoritative research project would simultaneously study the actual viability of that speed to protect all marine life. I understand that the design of the Superferry bow is particularly hazardous for whales and large marine mammals.
2. The Superferry would only carry passengers- no vehicles. This would partially mitigate two of our concerns.
 - A. It would be less likely that visitors would be able to steal or take away natural resources from our Island.
 - B. Less likely to have too many visitors in our already over-used over-night camping areas, beaches and at Kokee.
 - C. Less visiting vehicles to add to our already very serious and overwhelming traffic problems.
 - D. Less likely that the visitors using the Superferry will bring in invasive species and in turn transport unwanted plant seeds, etc. to other islands on their vehicles.
3. The Superferry would arrive and depart from Nawiliwili harbor at times that do not interfere with the traditional use of those waters and coast; canoe paddling, fishing, and cultural events, etc..

We are also concerned about the carbon footprint of this Superferry vessel, and the others proposed for Hawaii. When everyone is attempting to reduce our use of fossil fuels to return to 1990 levels, it does not make sense to allow this kind of oil burning vessel to operate in our waters. To accomplish its' task, the ferry did not need to use such high consumption engines. There are innovative ferries being built right now which are designed to be much more environmentally friendly. Why wasn't one of those designs considered?

Mahalo for considering my suggestions. I hope you will listen to our concerns with open hearts and understand that this Superferry issue is very important to us. If the Superferry had been simply a ferry moving at a reasonable speed to run between the islands much like those in all parts of the world, and all the environmental protections studied and acted upon before operation, this debacle probably wouldn't have occurred.

Sharry Glass
6277-A Puuopae Pl.
Kapaa, HI 96746

**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

INFORMATIONAL BRIEFING

Sunday, October 21, 2007 2:00 p.m.
King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, KAUAI HI

Testimony on HB relating to Operation of Superferry

Dr. Carl J. Berg
2637 Apapane Street
Lihue, KAUAI 96766
808 639-2968
cberg@pixi.com

I believe strongly that the legislature should not meet in Special Session and discuss the draft bill.

The bill is unconstitutional, illegal, and definitely not in the best interests of the Moana, Aina or the Ohana. This bill must NOT be passed.

This bill will be overruled by the Supreme Court and we will be back to where we were two years ago. EIS first!

Key aspects of the Bill will be overridden and enforced by the Federal Government through the Marine Mammal Protections Act, the Endangered Species Act, and the National Environmental Protection Act. The State is setting itself for federal lawsuits.

This Bill is blatantly wrong. The Superferry is not in the best interests of the public. It is not of critical importance. It is not a required public convenience and necessity. It is a frivolous adventure amusement ride for tourist and rich of Oahu. It is like a horizontal thrilling high speed roller coaster, where you vomit for 3 hours but have the added excitement of maybe seeing a whale killed.

What local families can afford to take off time from three jobs to come over to the neighbor islands at the outrageously high prices HSF is charging? The price of oil just exceeded \$90 a barrel and both Matson and Young Brothers are already raising their fuel surcharges. Can you imagine how expensive it will be to go fast on Superferry?

The State law HRS 343-5 is quite clear, an environmental assessment must be done before operation to avoid damage. Judge Cardoza stated, after hearing four weeks of expert testimony: "Plaintiffs have demonstrated the possibility of irreparable injury with respect to the environmental impacts of the Hawaii Superferry operations on natural resources, protected species, increased introduction of invasive species and causing social and cultural impacts."

IRREPARABLE INJURY. Legislators what don't you understand? This bill is proposing taking chances, playing "Russian roulette" with our natural, social and cultural environment for over a year, or until the Bill's study is completed. **No! EIS first!**

Being reasonable, and assuming that the Legislature will not stand up to the Unified Command of the Governor, DOT and HSF, what conditions might I suggest while the Bill's study is being done?

1. To protect the marine life, HSF must go <15 knots and travel only in daylight hours. Speed kills!
2. To protect against invasive species, no vehicles.
3. To protect against traffic congestion, no vehicles
4. To protect social and cultural damage, don't come to Kauai

NO EIS, NO SUPERFERRY TO KAUAI !

Plain and simple. Legislators do you get the message?

NO EIS, NO SUPERFERRY TO KAUAI !

Without night cruising, and by going at a safe speed, it is likely that HSF will only be able to make one trip a day. By going to only one island, there need be increases in agricultural inspectors, DOARE officers, and infrastructure improvements in one place. Most of the tourists are on Oahu and Maui. That is where the Superferry customers are.

As evident in the demonstrations that occurred in August, the Superferry is not welcome on Kauai until an EIS is completed.

EIS First !

Specific comments on the Bill:

Page 2, Line 9. It is not in the public interest just for an alternative means of travel. This shows how trivial this operation really is. Just for variety?

Page 2, Line 15. Are you really that snowed by HSF PR? The HSF uses dirty fuel. It is not just carbon emissions. What is the total load of Greenhouse Gases (carbon dioxide, carbon monoxide, sulfur dioxide, nitrous oxides etc.) and soot? Get an independent scientific assessment before you add this statement.

Page 2, line 18. It may take only four hours actual transit, but if the Superferry arrives on Oahu late at night the produce sits in the truck another eight hours. Better produce travels in refrigerated trailers.

Page 3, line 3. Gen. Lee, head of Hawaii National Guard, testified that in recent events the military and commercial shipping/flights adequately handled neighbor island emergencies. The military capability is huge. The Superferry does not add appreciably to the State's emergency capabilities.

Page 3, line 7. The need for "immediate operation" is not substantiated. Judge Cardoza declared that the operation would cause "irreparable injury". What is the rush? According to page 49 of the Harbors Operating Agreement between DOT and HSF, the HSF must carry business interruption insurance. So the insurance pays off the \$40 million. Has the legislature seen proof of coverage and the pay-off that HSF is getting?

Page 6, line 3. There is no documented or established "critical importance" that warrants overriding HRS 343.

Page 8, line 10. Conditions set by the governor. That is like asking the fox to set the conditions on guarding the hen house! The legislature must set the conditions. **EIS FIRST.**

Page 11, line 18. The Superferry must **not** be declared "a required public convenience and necessity". It is at best a frivolous adventure ride.

Page 12, line 7. It is un-constitutional for this bill to re-empt County regulations, approvals, and permits. You will have the Counties laying suit against this precedent.

Page 12, line 15. The Gov. cannot not ethically impose such conditions because of her obvious conflict of interests. The Legislature must impose all conditions. This is the role of an EIS done **BEFORE** operation.

Page 13, line 15. These conditions **MUST** be in place before the operation of the Superferry.

Page 41, line 13. The Task Force must not be under DOT. Conflict of interest again. Put it under OEQC or DLNR.

The State agency employees and HSF representative must be non-voting members of the task force, again, for reasons of conflict of interest.

How is the task force going to obtain information? Will there be DOCARE officers or NOAA/NMFS officers on the Superferry to record incidents? Will the hull and jet intake ports be examined for body parts after each voyage?

The Superferry must stop all operations if it "takes" an endangered marine mammal or turtle until an appropriate fine or settlement is made with the controlling State and Federal government agencies. Same goes if an invasive species (eg. Mongoose) is introduced to Kauai.

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

INFORMATIONAL BRIEFING

DATE:

Sunday, October 21, 2007

TIME:

2:00 p.m.

PLACE:

King Kaumualii Elementary School Cafeteria

4381 Hanamaulu Road

Lihue, HI

Senators:

I am opposed to a private bill that would permit the Superferry to operate prior to the completion of the entire EIS process required by Hawaii's Environmental Policy Act. I am opposed to such a bill because it would violate the spirit and intent of Hawaii's environmental laws, which are intended to apply to all persons and entities for the protection of our people and the aina. Special legislation for the benefit of a single company is forbidden by the constitutions of most states because it violates the right to equal protection of the laws. Why should we exempt from our laws a company that conspired with the corrupt Lingle administration to evade our laws for its own profit? I am opposed to the current form of the proposed special legislation because it does not contain adequate environmental protections to safeguard our land from invasive species and our waters from destruction of sea life. Instead, the proposed legislation leaves to the Lingle Administration the power to set the conditions intended to mitigate the ferry's environmental impact. As it has already demonstrated, this administration cannot be trusted to protect our environment.

Respectfully submitted,

Michal F. Stover

Michal F. Stover

3300 Kalihiwai Rd.

Kilauea, HI 96754

ALOHA. I WOULD LIKE TO THANK OUR SENATORS AND ELECTED OFFICIALS WHO CAME TODAY TO LISTEN TO OUR CONCERNS. MAHALO!

MY NAME IS JONEL ELIAS. I AM KAIKEA'S MOTHER AND A SCHOOL COUNSELOR ON KAUAI. I HAVE WORKED AS A COUNSELOR ON KAUAI SINCE 1985. MY SON KAIKEA HAS BEEN RESEARCHING THE SUPERFERRY ISSUE SINCE AGE 11. BEFORE THAT HE PRODUCED HIS FIRST VIDEO FOR TV WHEN HE WAS 10 YEARS OLD BECAUSE HE WAS CONCERNED ABOUT OVER DEVELOPMENT ON KAUAI. FOR THE RECORD I NEVER "RECRUITED" MY SON TO BECOME AN ENVIRONMENTALIST. HE FOLLOWED HIS HEART AND TOOK ACTION. WE AS PARENTS HAD TO SUPPORT HIM .

WHAT I AS A COUNSELOR AND MOTHER AM ESPECIALLY CONCERNED ABOUT IS THE INTEGRITY OF ELECTED OFFICIALS. CHILDREN ARE TAUGHT RESPECT FOR THE LAWS AND ABOUT ETHICS IN SCHOOL. THEY ARE TAUGHT TO BE CONTRIBUTING COMMUNITY MEMBERS AND TO CARE ABOUT THEIR ENVIRONMENT.

WHAT DO I TELL THE STUDENTS WHEN THEY ASK ME WHY SHOULD I OBEY THE LAW IF OUR LEGISLATURE OVERTURNS COURT DECISIONS ? WHAT DO I TELL THEM WHEN THEY ASK IS THIS HOW GOVERNMENT IS SUPPOSED TO WORK? WHAT DO I TELL MY SON ABOUT THE GOVERNOR WHEN SHE IGNORES THE ENVIRONMENTAL LAWS THAT THE STATE SUPREME COURT UPHOLDS? WHAT DO I TELL ALL THE CHILDREN ABOUT THE HSF CORPORATION WHO BUYS THE LAWS THEY DESIRE?

I AS A PROFESSIONAL AND LONG TIME RESIDENT FIND IT INCREDIBLE A 'SPECIAL SESSION' IS EVEN BEING CONSIDERED. IF THIS MEETING IS TO TELL US THERE WILL BE NO REGARD FOR THE SUPREME COURT DECISION THEN AT THE VERY LEAST YOU AS ELECTED OFFICIALS NEED TO PUT FORTH RESTRICTIONS AND CONDITIONS ON SUPERFERRY OPERATIONS.

CONDITIONS NEED TO BE LOOKED AT VERY CAREFULLY AND MUST BE FOR THE PURPOSE OF PROTECTING OUR WHALES AND OTHER MARINE LIFE AND PREVENTING THE TRANSFER OF INVASIVE SPECIES. CONDITIONS NEED TO INCLUDE TRAVEL SPEED OF THE VESSEL, VEHICLE INSPECTIONS, TRAFFIC IMPLICATIONS AND MANY MORE VERY IMPORTANT DETAILS. THE RESTRICTIONS SHOULD BE NONNEGOTIABLE. OTHERWISE THE SUPERFERRY SHOULD WAIT UNTIL AN EIS IS COMPLETED.

A handwritten signature in black ink, appearing to read "Joel E.", is located at the bottom center of the page.



KAUA'I
Chamber
of
Commerce

October 21, 2007

State Senate, State of Hawaii
Hawaii State Capitol
Honolulu, HI 96813

Honorable Senators:

Colleen Hanabusa, President, Hawaii State Senate
J. Kalani English, Chair, Transportation and International Affairs
Mike, Gabbard, Vice Chair

Ron Menor, Chair, Energy and Environment
Gary L. Hooser, Vice Chair

Brian Taniguchi, Chair, Judiciary and Labor
Clayton Hee, Vice Chair

FAX Also to: Senate Sergeant-At-Arms Office, 1-800-586-6559
RE: Relating to Transportation

Dear Senators,

Mahalo Nui Loa for taking the time to hear concerns of residents of the State of Hawaii prior to the convening of the Special Session of 2007 on Wednesday, October 24, 2007

On behalf of the Kaua'i Chamber of Commerce, which comprises of 87% small business, 421 member businesses and organizations and, over 650 representatives, we are submitting our support for this legislation that will allow an Inter-island Ferry to operate while an Environmental Impact State is performed by the Department of Transportation.

We also offer to have 2 members from the Kaua'i Chamber of Commerce to serve voluntarily on the Inter-island Ferry Oversight Task Force to ensure that the intent of this legislation is met and, provide the business input and oversight as will be required. Furthermore, as many of our members and even non-members from the business community will benefit such as farmers and especially small businesses, as a chamber, we strongly believe that this is an important and historic time for the business community to continue to take an active and leadership role in ensuring that businesses not only continue to remain and be successful on Kaua'i but, throughout the state. A key role is by this chamber being involved in the dialogue, process and oversight of this important legislation that is intended to not only protect our physical environment but, also support and encourage our business environment.

Thank you for taking the time to meet with constituents from throughout the state.

Sincerely yours,

Randall Francisco
President

Henry Roanier 808 245-7704
2275 A Kamehameha Hwy, HI 96766

Because the mass media covering the Superferry story have used the term indiscriminately, may I respectfully suggest that the term, "environmentalist" be not used except where a speaker is a true scientist. Instead, the terms "advocate" or "activist" would be more appropriate to describe a speaker who is not educated in the scientific study of the Earth's environment.

Also, I believe that it would be helpful for a speaker to give us a brief biography, describing his general background and experience as I am about to do if it is allowed.

Pearl Harbor march 1942, Army fisherman, Charter boat captain, Drafted in army October, 1944, chief engineer, Army Boat TP 234, patrolling Hawaiian waters and towing.

Honorable discharge, 1946. Graduated from University of Minnesota School of Journalism, 1949. Returned to Hawaii with Wife June and four children, October 1957.

Union organizer, executive Secretary Central Labor Council of Honolulu, Director of Civil Service and chief negotiator City and County of Honolulu for 12 years under Mayor Frank Fasi. Director of Personnel Services, Hawaii County under Mayors Herbert Matayoshi and Dante Carpenter. Arbitrator and mediator.

Presently retired, living in Lihue. New member Nawiliwili Yacht Club. Owner of three boats, 17 foot Boston Whaler fishing boat, 12 foot Zodiac inflatable, 9 foot Sea eagle inflatable dinghy.

Speaking in favor of allowing superferry to operate without restriction during period of assessment. To do otherwise is to encourage a "situation, because most of the talk for or against the ferry is pure conjecture.

This not the time for Democrats to use the ferry system to bash our Republican Governor. This a time for statesmanship of the highest order with the future of interisland surface transportation hanging in the balance.

It must be remembered that in the early 1960's that Democrat State Senator John Hulten was the first person to propose a state ferry system consisting of 300 foot ships with roll on roll off capability similar to what is being proposed now. I know this for a fact because I lobbied in favor of Senator Hulten's ferry bill on behalf of the AFL-CIO.

It is no secret that Dillingham's Young Brothers Tug and Barge Company shot it down. I have no quarrel with Young Brothers right to free speech to protect their financial interest. It was the Legislature that failed to pass Hulten's ferry Bill.

Today, we are faced with same situation. It will be the sole responsibility of our State Legislature's Democrat Majority to determine the outcome of the superferry question.

In case you are wondering, I am an FDR democrat, who has given up on our Democratic controlled Congress vis a vis the Iraq war. I hope I won't suffer the same if our state legislature fails us on the state ferry question.

Finally, I would like to discuss a point of gross discrimination that is painfully obvious in this matter. You may recall a very comprehensive story in the Honolulu Advertiser about Four Super barges 350 feet long, that are being put into interisland service by Young Brothers. The First one was supposed to be blessed and put into service this month. The first port of call; Nawiliwili, Kauai. There was no talk of an EIS or An assessment. In my opinion no EIS or assessment should be considered for either Young Brothers' new barges or the superferry. I trust that both of these companies will do everything within their power to operate in the safest, sanest possible manner.

Anyone who is familiar with tugboats towing barges knows that there can be no comparison between a propeller driven tug with a two barge tow, going 15 knots to the jet driven superferry going 30 knots. The key words are control and maneuverability. Which one poses the greatest danger, if any to a pod of whales?

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

DATE:

Sunday, October 21, 2007

TIME:

2:00 p.m.

PLACE:

King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

1.

From:

Ken Taylor
1720-A Makaleha Pl
Kapaa, Kauai 96746

PLEASE, NO SPECIAL SESSION TO BAIL OUT SUPERFERRY.

Our children and their children deserve a better environment than we have today.

E.O. Wilson, a professor of biology for almost 50 years at Harvard University, When talking about species loss in the United States:

“Most of the losses occurred in Hawaii, America’s notorious

October 21, 2007

Attention our Elected Senators and Representatives:

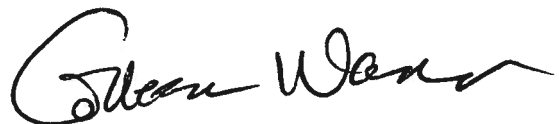
I understand you are seeking written comments on the Superferry issue. My feeling is that the laws are in place (ch. 343) that very specifically address this issue. There should be NO EXCEPTIONS for special interest groups, i.e. those with deep monetary pockets. Therefore you as our elected officials should uphold the laws in place. These laws were written to protect our environment for this and future generations.

As a resident of Kaua'i for almost 28 years, I've seen many changes. Presently there is enormous growth taking place and very little being done to increase the infrastructure. There are also the concerns of increased crime, drugs, invasive species, damage to the whales and other sealife, and jobs.

It is unfortunate the Govenor made these promises and that the Dept. of Transportation did nothing to uphold ther laws. They should NOT be ABOVE the law. Please DO NOT allow the Superferry to run without first obtaining an E.I.S.

Mahalo,

**Colleen Wann
Kapaa, Hi 96746**

A handwritten signature in black ink that reads "Colleen Wann". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

ALOHA MY NAME IS KAIKEA ELIAS. I AM 12 YEARS OLD AND BORN AND RAISED ON THE EAST SIDE OF KAUAI. I AM A SURFER, HONORS STUDENT, AND SPOKESPERSON FOR THE FOUNDATION- THE FUTURE FOR YOUTH. I CARE ABOUT OUR ISLANDS AND IT'S PEOPLE. I GOT INVOLVED IN THE SUPERFERRY ISSUE A YEAR AGO WHEN PPK INVITED ME TO SIT ON A PANEL AT THE STATE CAPITAL WITH SENATOR HOOSER, LEE TEPLY, AND OTHER EXPERTS TO GIVE A SPEECH AND PRESENT MY DVD ON BEHALF OF KAUAI'S SURFERS. SINCE THEN I HAVE PRODUCED, DIRECTED, AND EDITED 2 MORE VIDEOS THAT HAVE BEEN PLAYING ON CHANNEL 52. MY LATEST PROJECT IS CALLED THE PROTEST- A DEMONSTRATION OF UNITY ON KAUAI.

YOU AS LEGISLATORS HAVE A RESPONSIBILITY TO OUR CHILDREN. IT SEEMS SAD THAT YOU WOULD EVEN CONSIDER TO CHANGE A LAW THAT PROTECTS OUR WHALES, MARINE LIFE, AND NATURAL RESOURCES. IF THE STATE SUPREME COURT RULED TO CONDUCT AN ENVIRONMENTAL ASSESSMENT BEFORE THE SUPERFERRY BECOMES OPERATIONAL, THEN WHY NOT ABIDE BY THAT DECISION? IS IT BECAUSE THIS BIG BUSINESS HAS MORE VALUE TO YOU THAN THE FUTURE OF OUR YOUTH?

THE LEGISLATORS PROMISED TO LOOK INTO THE TRAFFIC PROBLEM ON KAUAI WAY BEFORE THE SUPERFERRY PROBLEM CAME UP. ISN'T 280 CARS A DAY ON KAUAI GOING TO MAKE YOUR JOB OF EASING TRAFFIC CONGESTION EVEN HARDER? WHY DO ADULTS TELL US KIDS TO OBEY THE LAW WHEN ELECTED OFFICIALS CHOOSE TO IGNORE THE STATE SUPREME COURT DECISION? PLEASE DO WHAT IS PONO. WAIT UNTIL THE ENVIRONMENTAL ASSESSMENT IS CONDUCTED BEFORE ALLOWING THE SUPERFERRY HERE.

October 21, 2007

Aloha, thank you for coming to listen to the people of Kauai. My name is Joan Kutzer. I have been a resident of Kauai for 25 years. My children were born and raised here. I am a Registered Nurse at our local hospital. Everyday, twice a day, Nene fly over my home. I am thrilled each time to see and hear an endangered species thriving on our island. It is heartwarming to see Albatross nesting along the road and in peoples' yards on the North shore. We don't have populations of Mongoose or Coqui frogs established here. We need to protect our fragile island from these and other invasive species. Traffic gets worse every year as growth remains unchecked and no improvements are made to the infrastructure. An EIS should have been done prior to allowing the Superferry to begin service. The Governor erred in exempting them. This error needs to be corrected and not excused. The Superferry must not run until the EIS is complete. What will happen if they allow it and then find there is a significant impact? I imagine they will say well we're already in business so we need to continue. Kauai has seen what can happen when our environment is not protected. You do remember Kaloku damn? Kauai's people are passionate about protecting our island and are prepared to do whatever is necessary to protect our home. Please do not allow the Ferry to operate until the EIS is complete. Thank you for allowing me to speak.

Joan Kutzer
PO Box 945
Kilauea, HI 96754

October 19, 2007
Senator Gary Hooser
Hawaii State Capitol Building
451 South Beretania St
Honolulu, HI 96813

Re: no to a special session on the Superferry

Dear Senators

With well-healed polluters as corporate friends, Governor Lingle is prepared to do corporations bidding with a recklessness that is breathtaking. Those who stand in her way are demeaned and punished. We are teachers, artists and community volunteers who have seen many changes in the forty years of North Shore residence. In the last five years we have seen a stepped up pace of exploitation of our island home. The taking over of Kauai by corporations and foreign interests has devastated native lands, injured the natural resources, spoiled the beaches and polluted our Bay and rivers. The assault on the North Shore has resulted in displacement of native culture and a loss of dignity that is essential to place and belonging. Now, with 6,000 signatures against the Superferry and public disapproval at the September 20th meeting, the Governor continues to willfully disregard the Supreme Court and Judge Cardoza's ruling and the overwhelming negative response of Kauai's people to the Superferry. The ruling was quite clear. There should be no exceptions.

The people of Kauai live by the law of the Constitution of the State of Hawaii. The Legislature and Governor should live by the law also. It is your mandate when you took your oath of office.

Judge Cardoza determined that the Superferry is not above or outside the law. It is your mandate to respect this. If the Governor, the Legislature and corporations operating above or outside the law can change the law with a special session what is the justification for even having laws or a Constitution? Is this what the special session is all about, doing away with the Constitution?

There should be strict adherence to the laws set up by the Legislature for all events that occurred during the period in which the law is enforced. No exceptions!

Marilyn & Ed Pollock
Hanalei, Kauai Hawaii

Marilyn Pollock
Ed Pollock

To My Legislature members listed below:
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

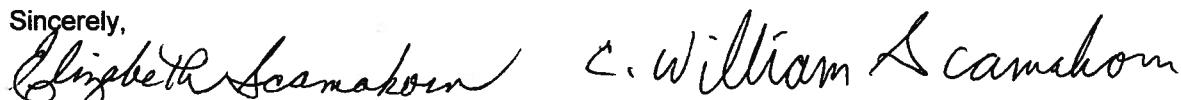
I, Elizabeth Scamahorn, am present at the INFORMATIONAL BRIEFING, Sunday, October 21, 2007, 2:00 p.m. at King Kaumualii Elementary School Cafeteria, 4381 Hanamaulu Road, Lihue, HI

We believe an oversight committee administered by the DOT to study the Ferry's operations is another error in a long list of administrative failures. We, as citizen, call for a state audit into how the project managed not be exempt from the Lingle Administration. From here on all laws related to past, present and future Ferry requirements not be given any special considerations by which to be exempt from or superseded by any and all operating permits from the state Public Utilities Commissions and any other county and/or state and/or federal permits or approvals.

We understand 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.

We just want honesty and 'future thought' to follow inter-county decision making from this day forth. Good Luck people, we do want our vote to be counted and we love our state.

Sincerely,



Elizabeth Scamahorn (present at Oct. 21 meet) & Charles William Scamahorn (absent from Oct. 21 meet)
PO Box 841
3878 Waha Road
Kalaheo, Hawaii 96741

Our family operates a Certified Organic farm and the only dairy on the Garden Island. We have farmed here for over thirty years, so we have some firsthand knowledge of what it is to be an endangered species. Our position is that there should be no exemptions to an EIS for Superferry. The existing environmental law should be upheld.

We do not trust the expertise of the employees of Superferry to recognize the dangers of agricultural hitchhikers. Our feeling is that each vehicle should receive a minimum 5 minute inspection prior to boarding. With the potential of 282 vehicles per trip, we know that there is no way that this will happen.

We do not accept the argument that Superferry is no different than Young Bros. or Matson. We receive monthly feed shipments on Young Brothers and, through the years, have also shipped vehicles and equipment. With YB, for example, vehicles are accepted only on certain days and the policy is that the vehicle must be empty prior to shipment. Vehicles are inspected and there is no rush or hurry when cargo is dropped or picked up at the docks.

We are very concerned about the "bringings and takings" of the Superferry. When Superferry brings the mongoose, what will happen to our free-range flock of laying hens which is so important to our sustainable agriculture enterprise? Kauai is the only island where this egg-eating, bird-eating pest has not gained a foothold. What about our nene, albatross, shearwater, and other ground-nesting birds? These are also susceptible to the imported fire-ant. A seemingly innocent potted plant brought over as a gift can contain thousands of undetected eggs. And what about agricultural theft? Here on Kaua'i, the farm community is closely-knit and we have a network of protection because we know who grows what. We reject the idea that Superferry will help farmers

41
282
5
1410

60 $\overline{) 1410}$ 23 $\frac{1}{2}$ hours cumulative

get our crops to markets on Oahu. Why would we pay more to ship on Superferry? Our crops will get to Oahu, all right, but not with our permission!

Ours is the most unique state in the USA. Here we have the Orchid Isle, the Friendly Isle, The Valley Isle, the Garden Isle, and the Gathering Place. We are embraced, protected, and linked our ^{by} another Ocean. We don't need an H-4 a.k.a Superferry to link us. So far, Superferry has only served to divide us. It is the lack of Interstate traffic that protects us from theft rings and kidnappings. If Superferry comes, we can no longer brag about not having to lock our houses!!

For our family, we say: Keep Kauai, Kauai. Part of her essence, part of her allure is that she is not easy. She requires and deserves that humans must make an extra effort to experience her. It certainly does take us Kauaians a lot of extra effort to call her our home. But we know that she is worth it. To our neighbors on Oahu, e komo mai. But please, we beg you, our lawmakers don't take the side of the Superferry. It is the Superferry who will take the irreplaceable from all of us!

Bob and Lovisa Wooton
Ryan and Sarah Wooton
Tray Wooton
4552 Kapuna Rd.
Kilauea, HI 96754

Oct. 21, 2007

Aloha Honorable Legislators,

Without the hard-fought laws to protect our fragile islands, we're finished. If laws can be re-written in the interest of private business, for any reason, we're finished. If a majority can, at whim, change laws, we're done.

As an elected official, you each have to cast your vote on Wednesday. I know some of you are clear on what your constituency wants, and others are still figuring it out. I want to urge those of you who are undecided to take a safe position. This is more than just a vote for a boat. Complex issues are involved, and complicated politics. There is more here than meets the eye, and I believe time will unveil deeper complicity. You may later regret a vote to let the Superferry go ahead, but the record of how you voted will remain.

Today no one will criticize you if you take a neutral stand and say, "I think we need more time, I don't think we should rush this." That is sensible and fair to all. Let's continue to study the ramifications (and the origins) of this huge project. Let's fully understand why the Governor want so much to help it through. And, in the meantime, let's stay on the side of the laws you have vowed to protect.

There are strong sentiments against the Superferry, and those opposed to its service are on the side of the law. A prudent politician would stand back and take some time before signing something that may later incriminate him or her. Please consider the personal risk you'll be taking, as well as the professional one, if you vote to override state laws in support of private enterprise.

Isn't it rather provocative to change laws in the face of a public outcry? Isn't that what they do in Third World coups? Not to sound heavy-handed, but the people of the outer islands aren't likely to just lie down and forget it if a new law goes through. Do we really want polarity, anger and bitterness to pervade the islands? Is it so far-fetched for the Superferry to follow environmental laws?

I appreciate your asking our views. I care deeply for all the islands and don't want them all to be like O'ahu. We the people are protecting the land and life we cherish. One would hope our elected government would care equally.

Wendy Raebeck

335 Kamokila Rd.
Kapa'a, Hi
tel 808 823 6334

October 21, 2007
2:00PM
King Kaumuali'i Elementary School
Lihue, Hawaii

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE**

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian Taniguchi, Chair
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Senator Ron Menor, Chair
Senator Gary Hooser, Vice Chair

**WRITTEN TESTIMONY IN OPPOSITION TO
SUPERFERRY LEGISLATION AND SPECIAL SESSION**

COMPOUNDING FRAUD

Submitted by: Elaine Yadao
P.O. Box 861
Lihue, HI 96766

I had prepared a line by line correction of the flawed and laughable piece of paper that Attorney General Bennet presented as a bill and decided not to provide the free legal analysis; to let the administration hang from its own rope of deception.

The bill is a piece of garbage. It's an affront to many of you who hold a real education and a sincerity to uphold the laws. To those also who take their oaths seriously.

The crafters of this bill also know that there is no such thing as a concurrent EIS; once the impacts become realities the purpose has been defeated. The door is open, forever.

This bill is a criminal act disguised as legislation and many of us have decided not to comment on certain specifics because of its damning capabilities to those involved in the attempt to thwart the constitution.

One thing I can divulge is the inevitable precedent this will set as there is no way to designate Hawaii Superferry as an exception and the generic provisio in the bill is also in error and has no legal doublespeak to prevent the precedent.

So, I have questions in place of argument.

Is the Superferry one of the subcontract military items that required creative thinking for new sources of financing because they were refused by Congress? Is financing from the public's monies the creative aspect as described in the strategy of the Project for a New American Century?

How does state intend to supersede federal marine mammal protections?

The draft is so bad it is unbelievable. Therefore, I can only surmise it is subterfuge to move up the start date.

Some legislators' good names will be taken down with this ship. There's a dark agenda of which maybe many of you are only seeing the tip of the iceberg.

As Mr. Lehman has stated, the Superferry is in high demand in other places. Let them go then. But maybe that's another lie too as there has been nothing but deception from these people.

An EIS is condition precedent to operations. It's simple.

cc: Federal Bureau of Investigation

EIS First, It's the Law
Open Letter to State Senators
Ua mau ke ea o ka aina i ka pono
The Life of the Land is Perpetuated in Righteousness

Arius Hopman
PO Box 441
Hanapepe, HI 96716
808-335-5616

Date: 10/20/07

Aloha Senators:

Welcome to Kauai. I hope you have a chance to enjoy this beautiful place before returning to your offices, because you will understand why we want to kokua o ka aina.

If anyone should set a good example of respecting the law, it should be elected officials.

The governor and the State make mockery of the law if they attempt to shirk it. A bad precedent is set for anyone required to get an EIS or a permit for anything. There has been a rash of after-the-fact permit requests in recent years. They should not be allowed. Here, enforcement is weak.

Instead, enforcement, both police and the Coast Guard went after peaceful protesters who were merely insisting that the EIS laws be honored. Therefore, this must be seen as illegal and potentially prosecutable strong-arm enforcement. When enforcement defends an illegal act promoted by elected officials, you have a police state. Let's not go there. Instead, the police and Coast Guard should have been defending Kauai against the illegal entry of the Superferry.

Who are the protesters, and why do they protest? These are the citizens with a conscience and a strong sense of integrity. They insist on what is pono. They are precisely the citizens the State should be proud of. They keep government on track when it veers off.

The Superferry issue demonstrates how far things have been turned upside-down during this administration, both State and Federal. In the Sept. 21 Issue of the Garden Island it was reported that when confronted with the military connection to the Superferry "The governor said there was no 'major deception' and she does not know what the Superferry has to do with national security..." (p.A5) Can we believe that? Either she is unacceptably uninformed or is lying. Every one else seemed to know, and yes, it was a major deception until the truth came out.

Kauai has more endangered species per acre than anywhere in the USA. We are in the middle of a marine sanctuary and a whale sanctuary. If we don't kokua these treasures, who will? The planet is sick because our policies are sick. Who is the enemy? Not people, but greed, corruption, hatred, egotism and official terrorism. We must turn things around again. At 40 knots/hr the Superferry is a killing machine. It should never have been built for this planet and it should not be permitted anywhere. A violation to the environment anywhere is a violation to the environment everywhere.

Keep an eye on officials who are supporting these sick policies and lets vote these bums out of office, for God's sake!
Mahalo, Arius Hopman

Noreen Dougherty
P.O. Box 685
Kapa'a Hawaii 96746
(808) 823-0619

RE: Opposition to Superferry operation prior to Environmental Assessment as currently required by law/

Testimony October 22, 2007

My name is Noreen Dougherty I am an educator who has taught in Hawaii for thirty years-mostly on Kauai, but also on the Big Island and Maui. My curriculums always relate to environmental studies. I have taught preschool, elementary, and college. The course that I have taught for Chaminade University is a curriculum development course for students majoring in the education of young children from age 3 to second grade. Environmental awareness is an important aspect of any curriculum.

I do workshops for parents, teachers, administrators, and students of all ages, as well as, other community members in Educational Kinesiology (Brain Gym®). These educate the community on how to live in wholeness and in balance, seeing the whole picture and the details but coming from the heart not the brain. I was a Hawaii State Parent Teacher Student Association legislative liaison to the State Capitol from the Island of Kauai:

This I know:

The messages that we send our children are very important. The values we hold most dear and the priorities we have are of utmost importance.

The examples we set, and the decisions we make, deeply affect our children on all levels. Our children need a safe and secure environment.

They deserve their cultural heritage to be honored, respected, and maintained.

They understand the importance of their natural world and the interconnectedness of all of the pieces of God's creation.

Children are more aware and intuitive than adults who have been 'deadened' by the stresses of society or manipulated through fear, trickery, and deceit. A narrow fragmented perspective with selfish intent can not benefit the whole of a community.

It appears that some legislators are so caught up in the pieces they seem to not even realize that those pieces are part of a WHOLE.

Students studying government in school find a deep disconnect from what the textbooks say our democratic government is all about and how it works, and the current developments in regard to the Superferry.

The Island of Kauai has been suffering for quite a while. For years I have wished that we could have some sort of Moratorium on the Garden Island and just STOP until we have enough time to look at the situation, make conscious responsible decisions, and proceed with caution, compassion, and conscientious approaches to areas of concern.

I have seen plans for Kokee formulate without the community being informed or involved. I have seen GMO crops grown on our island without knowledge or consent of its people. I have seen the Hawaiian culture disregarded rather than honored. When will it stop? I say now!

It's time for the cart to FOLLOW the horse. Please, do not take advantage of the people of Kauai who are busy working from dawn to dusk, and longer, to support their families. No more 'behind our backs'.

The Superferry is a blessing in that the children of Kauai have put their Nintendo distractions down and taken to the waters, the pier, and the gatherings.

The Superferry situation is such a blatant illegal act that it would be absolutely wrong and completely unacceptable to, begin a superferry service without completion of, at the very least, an Environmental Assessment-preferably an EIS. Please, for our children's sake, let a law be a law and honor it!

I suggest that you look at the world through the eyes of a young child. If you can not, I suggest you take some parenting classes because there you will learn that you listen to your children, you honor their feelings and concerns, you model proper behavior, you value respect, honesty, and integrity and you abide by the law.

Threatening to take children away from their families when they are exercising their rights as US citizens is pathetic. Anything but finishing the EIS is Wrong Wrong Wrong. I implore you to do what is right. If you do not know what the right thing to do is, do nothing until you have a clear direction. Haphazard and reckless choices at this time will be detrimental and inexcusable.

Please, show our children that there still is a system of "Checks and Balances" in our government. The executive branch must not rule the legislature. Our children need hope for the future.

Mahalo.

Basil Scott, Superferry testimony, 21 Oct 2007

Key points:

1) This is not a simple issue of majority rule. In our constitutional government, it is typically the role of courts should do this, but in this case, the legislature is overriding the court decision. Therefore, the legislature must protect minority rights because no one else will. The minority, 25% to 30% by count, includes many diverse interests whose rights are at risk.

2) The legislature must ensure that high standards will be followed for environmental protection, cultural protection, and protection against undesirable social consequences that could result from Superferry operation. The Lingle administration is not neutral on this issue, and we must assume they will push for compromise standards. To ensure high standards, the legislature should add a chair person's position to the oversight task force that is selected from outside the state government. This person should hold the power to structure meetings and to cast tie breaker votes.

3) Special provisions must be included for humpback whales. By giving an invalid waiver for the EA, the Lingle administration allowed the ferry to sidestep federal requirements for consultation on environmental issues. If a proper process had been followed, it is almost certain that special restrictions would have been placed on the Superferry to protect humpback whales. Since the whale is an endangered species, the proposed law must include strict provisions for protecting them. A 10 to 13 knot operational limit in shallow waters, and when whales are present, is required.

4) An investigation must be conducted. The Administration's lack of neutrality is a true indicator of what has happened since 2004. From the beginning, Lingle and the Department of Transportation have worked to support the Superferry. She has publicly supported a standard of avoiding the EA to ensure loan guarantees (see her response to Sen. Hooser in early September). It was not an "honest" mistake by the DOT; rather, it was a calculated step. The legislature must shine the light of public inquiry into this matter not to punish people who were involved, but to ensure that it never happens again.

Other discussion:

Lack of neutrality:

The Lingle administration is not neutral on this issue. The Governor herself, and her key managers, have repeatedly supported the Superferry in a very "forward leaning" and pro-Superferry way. Often, what the Governor says is not true – these statements may be appropriate for the Superferry PR department, but not for the Governor of our State. The

Basil Scott, Superferry testimony, 21 Oct 2007

Governor has made statements, for example, that athletic teams can use the ferry for inter-island travel instead of air travel. I coach one of our local cross-country teams, and I can tell you that the Superferry is too expensive, and we will never use it. Anyone can determine that this is the case by examining the Superferry fares, and using their knowledge of State support for car rentals via vouchers. So, the Governor is misrepresenting the Superferry in a way that is completely inappropriate for the senior executive of our State.

Improper waiver has led to issues that must be addressed:

The Lingle administration gave an improper waiver to the Superferry, a decision that was used to justify further decisions to bypass environmental review and consultation at a federal level. The waiver was used as a justification to avoid consultation with the Marine Mammal Commission and other environmental groups. These groups would have required the Superferry to reduce speeds to 13 knots when in shallow waters during whale season and when whales are present. This requirement must be in the law. If the proper process had been followed, it would have been a requirement. The legislature must ensure that the right thing happens with respect to this issue.

Lingle administration actions require investigation:

It is clear to me that the Lingle administration, for reasons that can only be partially understood, decided to support the Superferry aggressively from the beginning. She has stated publicly that there must be no EA in order for the Superferry loan guarantees to remain in effect. It is likely that the DOT decision to grant a waiver was intentional; otherwise, the loan would have been threatened. If this is the case, and evidence indicates that it was, the Lingle administration has put a private interest ahead of the public interest, a violation of the fundamental duty of the executive branch.

An investigation into these actions must be conducted. If the actions of the Governor and her lieutenants appear to be biased and unreasonable, then there is an appearance of impropriety that must be addressed. If not, people will lose faith in their government. Also, ethical breaches may have been committed, and these must be investigated fully. Finally, if these actions are not addressed, then this will happen again.

Respectively submitted,



Basil Scott
6931 Pomaikai Street
Kapaa

The Hawaii Superferry has dominated the headlines and airwaves for weeks. Since it's inception it has raised the ire of environmentalists^{SCIENTISTS &} and others around the state, literally polarizing the people on Oahu and the neighbor islands. But what are the issues, and who are the players^{EXPERTS} that are opposed to the ferry and why....needs to be heard. We pray that you will take ~~our~~^{THEIR} suggestions to heart.

For many of the people of Kauai, we actually believe in the system, and so letting the ferry run without an EIS is like opening pandoras' box. We wonder if you will ever stuff the genie back in the bottle once it is out. The first thing you should explore is getting some real expertise on the Marine life issues. Particularly whales. When I say expertise I mean Dr. Marsha Green and Dr. Robin Baird from Cascadia Research. I don't mean just members of the Hawaiian Island Marine Sanctuary. Due to an conflict of interest.

In January 2006 John Garibaldi, President and CEO of Hawaii Superferry, Inc. addressed the sanctuary group, and by the September meeting Chairman Terry O'Halloran reminded the Council of his affiliation as an employee with Hawaii Superferry. He stated that he would like to formally announce to the Council that to avoid any conflict of interest whenever the topic of Hawaii Superferry came up on the agenda, the meeting would be turned over and chaired by the Vice Chair, as he was bought and paid for.

We really need to look beyond just the migrating species. There are maps of known pods of whales and dolphins that don't migrate much, they pretty much stay in the same areas most of the time, unless they are disturbed. Which was likely the case in 2004 here on Kauai. So the Navy report has some of that info, and it also should be noted that some of these species are genetically different from pod to pod, so if they are repeatedly disturbed, they may be displaced to areas that cannot support them, or put them at risk from predator. I urge you to see the presentation of Adam Pack, Ph.D, The Dolphin Institute—Using Real-time Maps of Whale Locations to Mitigate Ship Strikes on Whales

Dr. Pack provided a presentation discussing recent research results from a study that looked at two main objectives: 1) To examine how the density, distribution, pod type, behaviors, and movements of whales in the slot (an area of the Au_au Channel area off Maui) vary diurnally and seasonally and 2) Feasibility of a shore-based alert system. In a video that illustrated the surface behavior of calves commonly seen throughout the season in Hawaiian waters, Dr. Pack's presentation highlighted the vulnerabilities of calves to ship strikes. The point was additionally supported by data Dr. Pack presented which showed of all documented strikes that calves have a 57% rate of being struck by vessels (Lammers et al. report 2003). The Dolphin Institute conducted research at Kapalua Airport Shore Station (2005-2006). A real time map of whale locations is transmitted to a vessel, which enables the captain to plot a safe course to avoid

whales. Maps can be updated in real-time to display the location of different whale pods, composition of pods and surface activities. Research suggests that the use of real-time mapping in this area helps in whale sightings beyond boat observers alone.

In regards to protecting people, I would like to see an operational plan for a pandemic. I was at a planning meeting where this was discussed by I think some folks from UH, but I don't know, I think you should contact Thomas Dye and Associates in Oahu. I always think back to the guy who flew from Canada to the US, and ended up quarantined. I'm wondering if Superferry employees will be able to identify people who are sick. For now, until the EIS is done, no poultry, or animals of any sort be allowed. I think for now, or for ever, no potted plants, no soil of any kind.

I'd like to thank the Senators who came, and those that made the SF Walk the halls. Like you, we were told to shut up, this was a done deal. So I'm not going to apologize for the reaction of 1000 Kauai people to the governor coming here and saying this is a done deal. And I'm not sorry that the SF is losing money. Perhaps they should stop wasting money on flying Oahu people to Kauai meetings and putting them in hotels. They spent a bucket load on PR and driving the army around oahu yesterday, and \$5 trips to the neighbor islands.

Gentlemen:

Before I begin my list of questions to you, I Joseph J. Crocona, residing at 2740 Wawae Rd. Kalaheo Kaua'i, would like to make a statement to go on record here as my testimony before this panel today. In the spirit of rightness, and for the sake of clarity declare I am adamantly opposed to the "large capacity ferry vessel company" here after known as the Hawaiian Superferry, using the waters of the Hawaiian Islands, and docking at any of the ports of the Hawaiian Islands for any reason.

Having said that, now you and the public know exactly where I stand on this issue. This is not spin, and not a form letter or any other form of misinformation, like most of the information surrounding the Hawaiian Super Fiasco.

I would also like to make another important point, and again let you and the public know exactly how I feel about the way the absentee elected government of the state of Hawaii, and the county of Kaua'i, with the exceptions of the Supreme Court, and the court of Judge Cordosa of Mau'i, have abandoned the people of both Mau'i and Kaua'i. What the hell are you thinking? I'm sorry that was one of my questions, I am getting ahead of myself. Now to the questions:

1. You are being asked by the Lingle administration to, by a new act drawn up by her attorney general, to change the environmental law of the land, to accommodate HSF company, and may I say here any other "large capacity ferry vessel company" that comes along. My question is, was there a problem with the Hawaiian Revised statues and particularly chapter 343? Would all the legislatures present please, with a show of hands, indicate if you believe chapter 343 should be changed to allow HSF a private for Profit Company to operate? Please don't be shy, after all that is why we are all present, is it not. You want input from the citizens of the "outer islands"; I believe it only fair and pono to see what you believe.

I personally believe being a life time member of the Democratic Party that a group of democratic congressmen, and senators would never willfully role over for a rouge republican governor and her obvious agenda, to accommodate one of her big business benefactors. However, due to the media spin it certainly seems that is just what is happening. Of course there are the polls; you know the ones that say everyone wants the supper fiasco. Maybe the poles, are on what you are basing your opinions. Well let me assure you gentlemen, the polls are far from accurate. You have already seen the lengths HSF and their supporters have gone to by fixing the polls, and flooding your mail boxes with form letters. Please do not be fooled.

I have recently been in contact with some very influential people from Mau'i and they also do not want the Super fiasco to come to their shores *before* under going the proper environmental review. Do you really think it wise to put the cart in front of the horse as the Lingle administration is asking?

In closing, I've only asked one question, a very important question in my belief, but time is of the essence at least that is what Lingle and the Super fiasco would like you to think. Anyway, let me close, asking, if you must have a "special session" of congress, put the time, your energy, and the tax payers of Hawaii's money to good use. Use the special session to bring impeachment charges against Linda Lingle. There are many valid reasons for such action, if you need any help determining what those valid reasons are, please contact Lanny Sinskin, Attorney at Law (Federal Practice)

P.O. Box 944
Hilo, Hawai'i 96721
808 936 4428

lanny.sinkin@gmail.com

He will be more than happy to answer any of your impeachment related questions.
Mahalo for your time, respectfully yours

Joseph J. Crocona
2740 Wawae Rd.
Kalaheo, Kaua'i HI.
96741

croconag001@hawaii.rr.com

"I am a 60 year old tutu.

If you disrespect our Hawaiian Supreme Court and allow this boat to sail, I will go in the water and block it with my body. I will do this for my grandkeiki who were born here.

By attempting to change the law, you will turn me, my family, and my friends into **CRIMINALS**. We are not environmentalists, we are not protesters, we are the residents of Kauai from all walks of life who are concerned for our small island home." We are aunties, uncles, & students and the HSF & the Gov. of Oahu (that is not a typo) have been very disrespectful to us and our home. We believe The Gov's actions to be impeachable. Maybe that is a better reason to hold a special session.

Georgine Crocona

2740 Wawae Rd.

Kalaheo, HI. 96741

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October 21, 2007
KAUA'I, HAWAII

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

DATE: Sunday, October 21, 2007 - INFORMATIONAL BRIEFING

TIME: 2:00 p.m.

PLACE: King Kaumualii Elementary School, 4381 Hanamaulu Rd, Lihue, HI

TESTIMONY IN STRONG OBJECTION of this bill to permit the operation of an inter-island ferry while an environmental impact statement is being conducted.

Dear Hawai'i State Senators:

There is nothing super about this ferry. For Kaua'i, it is a threat until the court-ordered environmental review is complete. Whatever the perceived advantages are, it is critical to conduct an Environmental Assessment (EA) before the ferry operates. The Supreme Court decision was clear and unanimous about this.

If you believe HRS is flawed, then address those issues at the regular session. To convene a special session to contradict, subvert or overturn the court's ruling is a direct attack on the body of laws protecting Hawai'i's natural and cultural resources. Passing any form of this bill will result in more litigation challenging its lawfulness.

"The legislature cannot overturn the result of a final judgment of the highest court in the jurisdiction". Plaut et al v. Spendthrift Farm Inc. 514 U.S. 211 (1994).

The Governor, the DOT and the Attorney General have not acknowledged their procedural error in exempting the ferry from the EA requirement. This is where the legislature should be focused. An immediate investigation into the administration's erroneous decision-making should be your priority.

It's time to encourage the ferry to leave the Hawai'i market and go elsewhere. Business ventures come with risks and it is not the state's responsibility to mitigate those risks. Nor, is it ethical to manipulating the law to rescue this one business.

The ferry is a luxury, it is not an urgent need. Please ensure that a thorough and uncompromised environmental assessment is performed prior to operating.

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October 21, 2007

Informational Briefing – Superferry

The potential risk for irreparable harm is too great. If legislators are committed to assisting the Superferry, then draft a bill to defer their state and federal loans until the EA/EIS is done.

Kauai's natural resources make this island special. The environmental and cultural protections guaranteed in HRS 343 must not be compromised. Our environmental well-being is directly tied to economic and social wellbeing.

Kauai is already under attack from mainland profiteers; developers are compromising our rural lifestyle. We have been unsuccessful in mitigating the impacts of an increasing population. The construction boom is damaging our resources and the short-comings of state and county enforcement agencies compound this problem. Construction workers from other islands fill their bags with our limu and opihi. Our construction companies may likely go out of business when off-island competitors utilize the ferry. Oahu will thrive but Kauai will suffer social and economic impacts. Take the time to visit Poipu today and you will understand.

The only lawful action now is to cease Superferry operations and initiate the EA process. We are afraid and we are angry because government seems not to recognize that the law is not discretionary for corporations -- it is mandatory for all.

The bill you are considering circumvents the law. The list of environmental conditions for the ship's operation during the impact statement period is a travesty. The task force to observe the ship's environmental performance is a disgrace. Any compromise is a breach of public trust because special interests will be allowed to prevail over Hawaii State Environmental law and the Supreme Court's decision.

Respectfully submitted,



Rayne Regush

5743 Koali Street

Kapa`a, Kaua`i, Hawai`i 96746

BEWARE THE MILITARY-INDUSTRIAL COMPLEX

Yesterday, I learned through the coconut wireless ^{less than 24 hours ago} that testimony would be taken today re: a special legislative session to illegally allow the Superferry to conduct business before an EIS ~~was~~ completed. There was no media announcement for this event and precious little time to prepare. This maneuver proves that Gov. Lingle does not care what we think in her zeal to promote superferry business as she continues to ignore vital environmental and social concerns. The tactics of the Lingle dynasty have violated my right to free expression in these matters. *I AM LIVID!*

In further considering the erosion of our Civil Liberties
I remind you that President Eisenhower at the end of his 2nd. Presidential term gave the warning to "Beware the military-industrial complex."
When I see that a special legislative session has been called to provide dispensation for the Superferry to brush aside the Supreme Court's ruling for an EIS, then I truly understand the meaning of Eisenhower's warning.

Any takeover of state and national government by the military-industrial and now corporate complex is defined as fascism which is exactly what happened in Nazi Germany and now in Hawaii with Lingle's questionable thrust to keep the superferry in business and above the law.

To allow the Superferry to skirt the law through a special legislative session is to give it controlling power by furthering the cause of fascism in an increasingly dictatorial, totalitarian government.

Gov. Lingle has made it clear that she, for some reason, is most concerned that the superferry not lose money. The Supreme Court's ruling for an EIS is not about protecting Superferry revenues, but rather protecting and sustaining the environment, ^{the} ~~our~~ real source of wealth for all the people. A special legislative session over-riding the Supreme Court is arrogant, ridiculous and illegal.

Thoughtfully submitted by

Janet Ely

Janet Ely

Oct. 21, 2007

*P.S. When the lessons of history go unheeded,
The mistakes of history will be repeated.*

My name is Paddy Kean and I am a resident of Kilauea, Kauai. I suppose we could all come up here and give our testimony in describing the continued saga of the known illegalities that the Lingle administration is trying to persuade us and, more importantly ~~the people~~, you with. I think by now, we all are aware of the facts, and it's now just about the spin the media and the administration put on those facts. I would like to bring awareness to some other, not talked about facts.

Ms. Lingle has been entrusted to steward this nation's, if not the world's, most sacred and beautiful lands and oceans. She holds in her heart the power to protect or destroy this land. It is a choice she has made, but she cannot fully implement this choice without your approval.

I am asking you to remember why you chose to walk this path as a politician. Was it to ensure the continued pono values, ideas and ethics instilled in you as a young man or woman? Was it to ensure that you will speak up for what the people hold dear to their own hearts, and fight for what is righteous and true? Was it to protect and honor the Constitution of this great country? Was it to protect the resources of this truly magnificent land and ocean? If you answered yes to all of the above, we saw those qualities in you when we, the people, elected you. With you, I am preaching to the choir.

If, on the other hand, you couldn't answer yes to those questions, it is you whom I need to address. Perhaps there are other righteous reasons

you sit in council, but I truly hope none is for the highest benefit of yourself. We, the people, are now asking our representatives to be accountable. We are witnessing the erosion of our system, and though it might be a system in a state of evolution, we will not stand for the deception any longer. We are the power that runs this country, and with all due respect, don't any of you forget that. We see the deception, the lies and profits, and we will hold those people responsible for such actions.

I am forever an optimist, and I invite those people that feel compelled to believe that there is lack in this world, and making important decisions based on that belief, to reconnect to their true paths. The facts in this decision are clear. The question is if you follow the laws that we have all come to agree upon through the years, or if you change those laws to suit Ms. Lingle and her corporate military complex. I implore you to make the pono choice.

My name is Megan Wong. Deputized by the King, I am here to serve members of the State Legislature in the jurisdiction of the Island of Kauai with the order to Cease and Desist issued by the King, the opinion issued by the Kingdom Supreme Court, and the exhibits to the opinion. These documents were issued on Friday, Oct 19, 2007. I submit these documents for the record in ~~this~~ this proceeding.

If the legislature is too cowardly to stand up to those who would inflict irreparable harm to our Kai and aina, then the people have to take back the power that they delegated to the legislators ~~needs~~ and act in their own defense. It appears that most of the Legislators lack an understanding of what it means to be committed to principles, so we do not expect them to understand us.

I signed a petition to the Coast Guard telling them that their security zone is simply cooperating with the Governors illegal actions in keeping Superferry in operation after the

I became a plaintiff in a lawsuit challenging the legality of the security zone.

The attorney wanted to call me to explain to the court the spiritual sense of obligation I have to protect the Kai and the aina for future generations. The attorney wanted to establish legal standing for people who have such a spiritual belief.

The court refused to allow testimony from me or priest from the Temple of Lono who came to Oahu to testify on my behalf.

Now the Legislature is turning a deaf ear to our pleas that the court ruling which protected us be left in place. The Legislature does not care whether its actions trash the constitution.

With so much lawlessness and lack of principle in the government, where do you legislators suggest I turn?



Ali'i Nui Mō'ī Edmund Keli'i Silva, Jr.
E malama i ka mana'o'i'o

Declaration

Be it known that I, Edmund Keli'i Silva, Jr. King of the Kingdom of Hawai'i hereby declare that the entire archipelago and surrounding seas of the archipelago belong to the Kingdom of Hawai'i. That all peoples throughout the world are served notice that Hawai'i is an independent sovereign nation ordained and sustained by the Hand and Might of a Just God in our Heavenly Father.

Document Signed by: His Royal Majesty on September 25, 2007

ORDER TO CEASE AND DESIST

WHEREAS, the Kingdom of Hawai'i is restored, and

WHEREAS, the process of restoring the Kingdom government is not yet complete, and

WHEREAS, the King can still act in the interest of the public peace and tranquility and has a responsibility to do so, and

WHEREAS, on August 23, 2007 (Gregorian Calendar), the Hawai'i Supreme Court issued an order in *The Sierra Club v. The Department of Transportation* requiring the State of Hawai'i to prepare an environmental assessment for the operation of the Hawai'i Superferry, and

WHEREAS, on August 31, 2007, the Hawai'i Supreme Court issued its final ruling on the merits and applied the law to the facts in that case to rule as follows:

"Therefore, based on this record, we can only conclude that DOT's determination that the improvements to Kahului Harbor are exempt from the requirements of HEPA was erroneous as a matter of law. The exemption being invalid, the EA requirement of HRS § 343-5 is applicable. This issue being dispositive, we need not consider Appellants' other arguments." and

WHEREAS, the ruling and the statute cited require the State of Hawai'i to prepare an environmental assessment before any further operation of the Hawai'i Superferry, and

WHEREAS, that ruling created great public controversy, and

WHEREAS, some high officials in the caretaker government chose not to accept the final court ruling, and

WHEREAS, said officials sought to continue operations of the Hawai'i Superferry, despite the law and the ruling of the Supreme Court, and

WHEREAS, that attempt to continue operation of the Hawai'i Superferry outside the law led to widespread citizen opposition, particularly on the Island of Kaua'i, and

WHEREAS, those public officials acting outside the law to continue operations of the Hawai'i Superferry responded to citizen opposition by threatening the use of force, including deadly force, and threatening criminal prosecution, imprisonment, and monetary fines, and

WHEREAS, citizen opposition simply grew stronger, creating the potential for a bloody confrontation between law enforcement personnel under orders to act outside the law and citizens seeking to enforce the law, and

WHEREAS, said illegal activities and their legal implications are detailed in the legal memorandum prepared at my direction by the Chief Justice of the Kingdom Supreme Court and attached hereto, and

WHEREAS, those public officials operating outside the law then redirected their efforts towards convincing the State Legislature to pass a law reopening the Supreme Court decision and altering that decision legislatively to find that the Hawai'i Superferry can continue to operate while the required environmental analyses are done, and

WHEREAS, such legislation would clearly be unconstitutional within the established governmental structure of the occupying government because such legislation would violate the separation of powers mandated by the United States Constitution, and

WHEREAS, the unconstitutional nature of such legislation is clearly set forth in the legal memorandum prepared at my direction by the Chief Justice of the Kingdom Supreme Court and attached hereto, and

WHEREAS, the illegal pursuit of continued operation of the Hawai'i Superferry has created turmoil, dissension, and even threat of bodily injury,

NOW, THEREFORE BE IT ORDERED, that all persons cease and desist any further actions in violation of the Hawai'i Constitution, the State of Hawai'i laws, and the United States Constitution, as the laws and Constitutions in use until such time as the restored Kingdom government can enforce its own laws and Constitution.

This Cease and Desist Order is general in application and specifically directed to the State of Hawai'i Governor; the State of Hawai'i Attorney General; the Director of the State of Hawai'i Department of Transportation; The Hawai'i Superferry, Inc.; the United States Department of Homeland Security; the United States Coast Guard; and all other public officials cooperating in the illegal conspiracy to continue operations of the Hawai'i Superferry and acting within the sovereign Kingdom of Hawai'i.

This Cease and Desist Order is also directed to those members of the Legislature who are wasting public resources on, and unnecessarily requiring citizens to waste their time and resources to participate in, an unconstitutional effort to pass a law to undo a final judgment of the Hawai'i Judiciary.

I have appointed special officers of the Kingdom to serve this Order on the identified parties and directed the publication and other distribution of this Order and the attached memorandum to the identified parties and the people.

I have distributed this Order to the media and request its publication.

As soon as all parties are in compliance with this Cease and Desist Order:

1. I request the State Legislature, in its capacity as Surrogate Legislature for the Kingdom Legislature *in absentia*, to pass legislation along the following lines:

A. Subject to those identified in this section fulfilling the steps set forth in Sections B and C below, subject to the passage of the bill proposed in Section 2 below, and subject to any exceptions by people refusing to accept the compensation offered in Section 2 below (see Section 2C), the Legislature grants immunity from civil suit and criminal prosecution under state laws for all actions taken in furtherance of the illegal conspiracy to continue operations of the Hawai'i Superferry after the August 23, 2007 Hawai'i Supreme Court ruling in *The Sierra Club v. The Department of Transportation* to the following:

- (1). Governor Linda Lingle
- (2). Director of Department of Transportation Barry Fukunaga.
- (3). Attorney General Mark Bennett,
- (4). Assistant Attorney General Lisa Ginosa
- (5). Interim Chairwoman of the Department of Land and Natural Resources Laura Thielen
- (6) Kaua'i Mayor Bryan Baptiste
- (7) Rear Admiral Sally Brice-OHara, United States Coast Guard
- (8) Previously Acting Kaua'i Police Chief Clayton Arinaga
- (9) All law enforcement personnel who engaged in arrests, seizing property, or otherwise participating in the events of August 26 and 27, 2007 in Nawiliwili Harbor, Island of Kaua'i
- (10) All other persons participating in the Unified Command or otherwise in the ongoing illegal

effort to permit the Hawai'i Superferry to operate after the Hawai'i Supreme Court decision in *The Sierra Club v. The Department of Transportation* case.

B. All persons identified in Section A will gather together on the Island of Kaua'i to offer their apologies to the people they wronged by cooperating in the illegal effort to continue the operations of the Hawai'i Superferry after the decision referenced in Section A.1.(10) above. Such an apology will include participation in a formal ho'oponopono process to heal the wounds inflicted by the Hawai'i Superferry episode.

C. All persons identified in Section B above shall then gather on the Island of Maui and apologize to the people they wronged and engage in a ho'oponopono process to heal the wounds inflicted by the Superferry episode.

D. All persons identified in Section A shall sign an open letter to the people of Hawai'i offering their apologies for all the wrongs committed during the Superferry episode to be submitted to the newspapers of every island for publication.

Whether those persons identified in Section A, particularly those in high positions, shall retain their positions is a matter for the Legislature to examine and which, I respectfully suggest, should be conditioned on their complete and unreserved cooperation in a legislative inquiry into the entire Superferry episode, including and not limited to the conspiracy to violate the law that occurred after the Supreme Court decision referenced in Section 1.A.(10) above.

Such decisions should also be tempered by the fact that most of the

members of the Legislature remained mute while these acts occurred.

2. I request the State Legislature, in its capacity as Surrogate Legislature for the Kingdom of Hawai'i Legislature *in absentia* to pass legislation to appropriate the following:


A. The sum of \$100,000 to each of the fourteen people arrested on August 26 and 27, 2007 while trying to enforce the law in Nawiliwili Harbor, Island of Kaua'i by preventing the illegal entrance of the Hawai'i Superferry.

B. The sum of \$50,000 to every other person, who provides proof by two affidavits of witnesses, that they entered the waters of Nawiliwili Harbor on August 26 and /or 27 to participate in the effort to enforce the law by preventing the entrance of the Hawai'i Superferry.

C. That these sums be paid conditioned on those receiving them waiving their right to file civil and /or criminal suits against those who may have violated their civil rights or otherwise committed a civil or criminal offense against them during the illegal efforts to continue the operations of the Hawai'i Superferry referenced above.

D. Those who decline the offer of compensation shall retain their right to pursue legal remedies against those responsible for any civil tort or criminal act committed against them.

So Ordered and signed this 17th day of October in the year 2007 (Gregorian Calendar).



Ali'i Nui Mō'i Edmund Keli'i Silva, Jr.