

**House Record**

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**From:** David Kaahaaina [DK@skylights-of-hawaii.com]**Sent:** Wed 10/24/2007 2:18 PM**To:** House Record**Cc:****Subject:** Superferry support**Attachments:**

I am in support of any and all legislative or judicial efforts underway to ensure that the Superferry is put into use and can become a vital link in our economy. We had planned on using it to support our customers on the neighbor islands.

DAVID B.N. KAAHAAINA, JR., AIA, CSI  
GENERAL MANAGER, SKYLIGHTS OF HAWAII, LLC  
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HONOLULU, HAWAII | 96819

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**House Record**

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**From:** Deanna Spooner [deannaspooner@earthlink.net]**Sent:** Wed 10/24/2007 1:48 PM**To:** House Record**Cc:****Subject:** Testimony**Attachments:****ATTN: House Committee on Transportation and House Committee on Finance****DATE: Thursday, October 25, 2007****TIME: 9:00 a.m. Auditorium, State Capitol****HB 1 RELATING TO TRANSPORTATION**

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

**Dear Chairs Souki and Oshiro:**

My name is Deanna Spooner and I strongly support Hawaii Superferry.

The islands especially the neighbor islands are in need of additional methods of inter-island travel and transport. This will allow many Native Hawaiians and well as transplants to visit other islands more economically by being able to take their automobiles rather than rent and transport home purchases rather than have them shipped by air or boat.

The service will provide a boost to the local economy and the state as well.

Concerns expressed by neighbor island residents regarding invasive species, etc., are issues that currently exist with freight carriers, airlines and private boaters. Any controls that are in place for these services can be applied to the ferry.

As far as concerns for overloading roads etc., what's new? Maybe it will provide the impetus for Hilo politicians to remember the West side exists and provides 70% of their tax dollars.

And finally, regarding danger to the whale population: I believe that everything reasonable should be done to protect them. I know that ferry systems run in other parts of the world and the U S that deal with similar situations and we never hear about the ongoing collisions of whales (or other species) and ferries. More likely it is the recreational craft that go out of their way to encounter whales, manatees (Florida), etc. and end up having a negative impact.

I totally support the ferry operating while the environmental impact study is conducted and hope that the concerns of all citizens of Hawaii can be dealt with to the highest level of satisfaction and realism.

Sincerely,

*Deanna L. Spooner*



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**Waikoloa, HI 96738**

**Office (808) 883-0740**

**Fax (808) 883-8394**



**Cell (808) 217-0957**

**Email [DeannaSpooner@SpoonerFinancial.com](mailto:DeannaSpooner@SpoonerFinancial.com)**

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**House Record**

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**From:** Deborah.Kuwaye@hawaii.gov [Deborah.Kuwaye@hawaii.gov] **Sent:** Wed 10/24/2007 1:32 PM  
**To:** House Record  
**Cc:**  
**Subject:** Testimony  
**Attachments:**  THIELEN.pdf(26KB)  LEZY.pdf(27KB)

Testimony submitted for Thursday, October 25, 2007 for nominees: Normand R. Lezy and Laura H. Thielen

Please see attached.

**House Record**

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**From:** Bambi @ NPK [bpecor@hawaii.rr.com]  
**To:** House Record  
**Cc:**  
**Subject:** Hawaii Superferry Supporter  
**Attachments:**

**Sent:** Wed 10/24/2007 8:32 AM

**ATTN: House Committee on Transportation & House Committee on Finance**

**Date: Thursday, October 25, 2007**

**Time: 9am, Auditorium, State Capitol**

**HB 1 Relating to Transportation**

**Dear Chairs Souki and Oshiro:**

**Aloha, my name is Gena Pecor & I am totally in support of the Hawaii Superferry!**

**I've been excited about the Superferry ever since I heard about it! I've lived on the Big Island for a little over 10 years & have always wanted to travel to other islands, but because of cost of air, car rental & hotels it was only a dream; the Superferry was my chance of turning that dream into reality! Being able to take my car would cut down the cost to just a hotel room, that would be something I could do!**

**They talk about the environment & how safe it is... I totally understand, I love marine life & the ocean more than anything, but with today's regulations I cant help but think it can not come near to causing the damage to the environment as the big cruise ships that dock & dump their garbage into our waters on a daily basis. As for safety, I know that Puget Sound in Washington state has ferry's & whales & dolphins in the same waters throughout the year & you never hear about a ferry running into a whale or hurting a dolphin.**

**No not everything is perfect, nothing ever is, but if I had a choice I'd rather get rid of the polluting cruise ships than the Superferry any day! The cruise ships are for tourists... the Superferry is for the locals! It allows us to come & go & share!**

**Please, vote to keep the Superferry running while it's being tested... I believe it will prove to be a smart move! One you wont regret!**

**Much Mahalo!!!**

Gena \*Pu'uwai\* Pecor ♥

\*Keikiokapu'uwaiAkua\*

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**Dance like nobody's watching. Sing like nobody's listening.**

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**House Record**

**From:** Maria Ginnebaugh [maria@itsmaui.com]  
**To:** House Record  
**Cc:**  
**Subject:** I STRONGLY support the Hawaii Superferry  
**Attachments:**

**Sent:** Wed 10/24/2007 8:08 AM

Dear Chairs Souki and Oshiro:

Regarding:

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

**HB 1 RELATING TO TRANSPORTATION**

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

My name is *Maria Ginnebaugh* and I strongly support the Hawaii Superferry.

*I am shocked that the Superferry issue has got to this point. I have lived on Maui since 1999 and I have seen this island improve in so many ways, especially economically. But, there is A LOT of room for more improvement.*

*The Superferry will be another step UP.*

*I always believed that the only way things can improve is via more service and more options to the public. The Superferry can benefit the islands in SO many ways, such as:*

- 1) *transport supplies between islands if one island gets impacted by a natural disaster;*
- 2) *being able to take cars to be serviced on Oahu (for instance);*
- 3) *being able to take supplies to another island (for all sorts of business or social events).*

*But, above all, businesses (to become more competitive) will offer better services and better prices to the public. God knows we do need BOTH on Maui and in the other islands too. One of the major drawbacks of living in Hawaii is the HIGH cost of living and the POOR/MEDIOCRE level of service in SO many industries. Many times, we can't even find decent service at all. Thus, many times, the public is at the mercy of the few services/businesses available locally, which not only do/offer poor quality of work but also charges an enormous amount for that type of (below average) type of service.*

*Hope this gives you an idea (in a concise manner) WHY I am in favor of the Superferry.*

Mahalo and Aloha!!


***There is no way to happiness, happiness is the way. (Lao Tzu)***

[Inspirational Thoughts updated daily at: <http://www.itsmaui.com/Thoughts>]




**Maria Ginnebaugh R(S)**  
DELMORE REALTY  
Cell: (808) 870-1972  
Efax: (808) 442-0048  
Email: [maria@itsmaui.com](mailto:maria@itsmaui.com)  
Website: [www.itsmaui.com](http://www.itsmaui.com)



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## House Record

**From:** Hope Kallai [lokahipath@hotmail.com] **Sent:** Wed 10/24/2007 8:26 AM  
**To:** House Record  
**Cc:**  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Kauai House testimony Hawaii Superferry Committee on Transportation  
**Attachments:**  [Kauai House testimony Hawaii Superferry Committee on Transportation \(73KB\)](#)

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postmaster.rfc-ignorant.org  
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**From:** Hope Kallai [lokahipath@hotmail.com] **Sent:** Wed 10/24/2007 8:26 AM  
**To:** House Record  
**Cc:**  
**Subject:** Kauai House testimony Hawaii Superferry Committee on Transportation  
**Attachments:**

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

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

**COMMITTEE ON TRANSPORTATION**

**Rep. Joseph M. Souki, Chair**

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

**Please distribute copies to the House members. Mahalo.**

**Re: HB 1 Relating to Transportation**

**Hawaii Superferry**

**Environmental Impact Statement,**

**Oversight Task force**

Hope Kallai

Malama Moloa`a

[lokahipath@hotmail.com](mailto:lokahipath@hotmail.com)

Aloha Representatives:

Mahalo for the opportunity to address the proposed bill concerning large capacity inter-island ferry vessel. I feel there is inadequate environmental information available to make any decisions on potential impacts of the Hawaii Superferry, Inc. (HSF) to endangered species of Hawai`i and I am very concerned about the proposed bill. Hawai`i, the hotspot of extinctions, has more endangered species per square mile, than any other place on the planet. I am concerned about the impact to our harbors and the ability to deliver large bulk containers like gasoline, propane, aviation and helicopter

fuels. I would like you to consider if this ferry is really in the public interest.

In the Public Utilities Commission Permit Decision and Order No. 21524 found in *Hawaii Superferry: Commitments and Actions to Address Environmental Concerns*, prepared for Hawaii Superferry, Inc., February 2007 by CH2M Hill, it is stated that the

Applicant expects its ferry service to cost about fifty (50)

per cent of the price of flying,

Proposed one way rates of \$60 per person for a Kauai-Oahu are **not** 50% of existing airfares. Competitive airfares are often much less than \$60. Is the PUC permit dependent upon correct percentage of airfares?

I have problem with a fee structure designed for 14 day old babies. Is it really in the public interest to charge children from 14 days old to 2 years old \$15 for a one way Kauai-Oahu trip? PUC fee of this fare is only \$0.04, GET fees of \$0.60 harbor fees of 0.30, making the HSF fare \$ 14.06. I don't remember being charged any airfare for a child under 2.

The Consumer Advocate had concerns over the results of a market study by Market Scope, Inc., which was commissioned by Applicant (the "Market Study"), and which results were designated confidential pursuant to Protective Order No. 21190,

§ 27IG-17(b) provides, in relevant part, that any rate

change shall not be made until forty-five (45) days after a water

carrier files a notice of rate change with the commission.

In the PUC Permit Decision and Order No. 21524:

The commission recognizes that issues were raised by some at the public hearings about

the impact of the proposed ferry system on the environment and suggesting that an

environmental assessment be done on the proposed ferry services.

We find it necessary, however, to condition our authorization in this docket upon Applicant's

showing, to the satisfaction of the commission, that Applicant has complied with all applicable

federal and state laws, rules and regulations, including, without limitation, matters relating to the

Environmental Impact Statement Law ("EIS"), under Chapter 343, HRS, to the extent applicable

to ensure that all such requirements are appropriately addressed..

**Applicant shall provide evidence that it is in full compliance with all applicable EIS, NOAA, and the U.S. Coast Guard laws, rules, regulations and requirements, and any and all other applicable federal and state laws, rules and regulations** and requirements that are necessary to operate its proposed ferry

service within the State;

DONE at Honolulu, Hawaii December 30, 2004

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

Applicant (Hawaii Superferry, Inc.) is not in full compliance with NEPA regulations. Is the PUC Decision dependent upon the Applicant being in full compliance with all federal laws, like NEPA?

No initiation of service can be made without National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) considerations, including Habitat Conservation Plans (HCP) and Incidental Take Procedures (ITP) for every potentially impacted endangered and threatened species; low income and cultural impacts; cumulative impacts; and project alternatives and potential impacts to critical habitat areas and environmentally sensitive areas.

Authority: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), sec. 309 of the Clean Air Act, as amended (42 U.S.C. 7609), and E.O. 11514 (Mar. 5, 1970, as amended by E.O. 11991, May 24, 1977).

**No matter what actions the state of Hawai`i takes overturning Hawai`i Revised Statutes 343, the Hawai`i Environmental Policy Act (HEPA), the National Environmental Policy Act (NEPA) prevails and NEPA regulations must be adhered to. NEPA takes precedence over Little NEPA (HEPA)**, as has been established by case law for over thirty years. No initiation of service can be made without National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321 et seq.) considerations, including **Habitat Conservation Plans (HCP)** and **Incidental Take Procedures (ITP)** for every potentially impacted endangered and threatened species; low income and cultural impacts; cumulative impacts; and project alternatives and potential impacts to critical habitat areas and environmentally sensitive areas. Section 102(2) of the NEPA contains "action-forcing" provisions that ensure that federal agencies act according to the letter and the spirit of the law prior to any impacting action. The HSF is a major federal project due the federal funding received by the HSF through the United States Department of Transportation Maritime Administration (MARAD) Title XI loan of \$139,731,000.00 to Hawaii Superferry, Inc., and NEPA must be considered in regards to all the endangered species of Hawai`i and its waters.

MARAD had reservations about the lack of environmental scrutiny;

On March 28, 2005 MARAD, in granting their Categorical Exclusion stated:

Based on the information available at that time, there appeared to have been very little, if any, NEPA or state environmental work performed related to the proposed ferry service that would be adequate for MARAD's responsibilities under NEPA. ..

But based their Categorical Exclusion on the Hawaii state Categorical Exemption issued by Hawaii Department of Transportation (HDOT), qualifying that:

MAR-820 recommends that the loan guarantee contract contain the requirement that Hawaiian High Speed Ferry (HSF) Corporation comply with all applicable environmental laws and regulations.

Serious consideration needs to be given to the validity of the MARAD Categorical Exclusion that was based on the Hawaii State Department of Transportation Categorical Exemption, since the ruling No. 27407 of the Hawaii Supreme Court on August 31, 2007, invalidates the state DOT Categorical Exemption. Wouldn't the MARAD Categorical Exclusion be invalidated also?

### **Sec. 1502.3 Statutory requirements for (EIS) statements.**

As required by sec. 102(2)(C) of N 8). Significantly (Sec. 1508.27). Affecting (Secs. 1508.3, 1508.8). The quality of the human environment (Sec. 1508.14).

d) Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of the Act and other environmental laws and policies.

(e) The range of alternatives discussed in environmental impact statements shall encompass those to be considered by the ultimate agency decision maker.

(f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Sec. 1506.1).

In *Hawaii Superferry: Commitments and Actions to Address Environmental Concerns*, prepared for Hawaii Superferry, Inc., February 2007 by CH2M Hill, there are no comments included by any wildlife agencies. It is stated that the DAR of DLNR was contacted in 2006, but no comments were specified. I'm not sure why Aquatic Resources, not Marine Resources, was contacted, but Kauai Aquatic Resources was not asked for input to potential impact to Huleia River (D. Heacock, pers.comm). Page 24 of *Hawaii Superferry: Commitments and Actions to Address Environmental Concerns*, includes:

#### **3.10 Agency Consultation**

As mentioned throughout this document, agencies were consulted by HSF for applicable

functions.

That's all. This is horribly inadequate and does not satisfy NEPA requirements.

The only wildlife species mentioned in the document are migratory humpbacked whales, Hawaiian monk seals and green sea turtles, but **no** contributing agency input. There are many other whale species afforded endangered species protection and other listed sea turtles. There is no mention of potential impacts to endangered and migratory birds. Potential impacts to all federally listed threatened and endangered plant and animal species must be given full consideration under the National Environmental Policy Act (NEPA) before any potentially impacting action is taken. Section 7 consult must begin with federal wildlife agencies.

Potential impacts to federally-listed threatened and endangered plant and algae species by introduction of invasive

species of plants and animals is monumental and must be considered on an island-by- island basis due to the unique biological diversity of each island and cumulatively, to the entire state. Introduction of mongoose to sensitive habitats for ground nesting birds could have population extinction potential.

**NEPA consideration of potential impacts to threatened and endangered Hawaiian species must include:**

*ʻAlae ʻula*, Hawaiian moorhen, (*Gallinula chloropus sanvicensis*); *ʻAlae ke ʻoke ʻo*, Hawaiian coot, (*Fulica alai*); *ʻAe ʻo*, Hawaiian stilt, (*Himantopus mexicanus knudseni*); *Koloa maoli*, Hawaiian duck, (*Anas wyvilliana*); *Nene*, Hawaiian goose, (*Branta sandvicensis*); *ʻUa ʻu*, Dark rumped petrel, (*Pterodroma phaeopygia sandwichensis*); *ʻA ʻo*, Newell's shearwater, (*Puffinus auricularis newellii*); *ʻalala*, Hawaiian Crow, (*Corvus hawaiiensis*); Band-rumped storm petrel, (*Oceanodroma castro*); *Manu o ku*, White tern, (*Gygis alba rothschildi*); *ʻio*, Hawaiian hawk, (*Buteo solitarius*); Short-tailed albatross, (*Phoebastria albastrus*); *ʻakohekohe*, Crested Honeycreeper, (*Palmeria dolei*); Nihoa Millerbird, (*Acrocephalus familiaris kingi*); *Kauai Nukupu ʻu*, Kauai nukupu ʻu, (*Hemignathus lucidus hanapepe*); *Maui Nukupu ʻu*, Maui nukupu ʻu, (*Hemignathus lucidus affinis*); *ʻO ʻo ʻa ʻa*, Kauai ʻO ʻo, (*Moho braccatus*); *ʻO ʻu o ʻu* (*Psittirostra psittacea*); *Palila*, palila, (*Loxioides bailleui*); Maui Parrotbill, (*Pseudonestor xanthophrys*); *Po ʻouli*, po ʻouli, (*Melamprosops phaeosoma*); *oloma ʻo*, Molokai Thrush, (*Myadestes lanaiensis rutha*); *kama ʻo*, large Kauai Thrush, (*Myadestes myadestinus*); *puaiohi*, small Kauai Thrush, (*Myadestes palmeri*); *ilio holo i ka uaua*, Hawaiian monk seal, *Monachus schauinslandi*); *koholā*, Humpback whale, (*Megaptera novaeangliae*); Sperm whale, (*Physeter macrocephalus*); Blue whale, (*Balaenoptera musculus*); Fin whale, (*Balaenoptera physalus*); Sei whale, (*Balaenoptera borealis*); North Pacific right whale, (*Eubalaena japonica*); Olive ridley turtle, (*Lepidochelys olivacea*); Leatherback turtle, (*Dermochelys coriacea*); Loggerhead turtle, (*Caretta caretta*); *Honu ʻea*, Hawksbill turtle, (*Eretmochelys imbricate*); *Honu*, Green sea turtle, (*Chelonia mydas*); and the *ʻOpe ʻape ʻa*, Hawaiian Hoary bat, (*Lasiurus cinereus semotus*);

The following birds are offered protection under the Migratory Bird Treaty Act: Eurasian Skylark, (*Alauda arvensis*); House Finch, (*Carpodacus mexicanus*); Northern Cardinal, (*Cardinalis cardinalis*); *Kolea*, Pacific Golden Plover, (*Pluvialis fulva*); Band-rumped Storm-Petrel, (*Oceanodroma castro*);

White-tailed Tropicbird, (*Phaethon lepturus*); Wandering Tattler, (*Heteroscelus incanus*); Bristle-thighed Curlew, (*Numerius tahitiensis*); *Pueo*, Hawaiian Shorteared Owl, (*Asio flammeus sandwichensis*).

The Hawaiian archipelago is home to 22 species of breeding seabirds, three of which are endemic to the islands. Presently 75 % of known Hawaiian seabirds are extinct or threatened with extinction and listed on the Federal Endangered Species List (USFWS 1985). Island seabird populations have been declining worldwide. Seabirds within the Hawaiian archipelago are vital to a well-balanced marine ecosystem.

The following sea birds are found in Hawaiian waters: *Moli*, Laysan albatross, (*Phoebastria immutabilis*); Black footed albatross, (*Phoebastria nigripes*); *ʻA*, Brown booby, (*Sula leucogaster*); *ʻA*, Masked booby, (*Sula dactylatra*); *ʻA or Mahi*, Red-footed booby, (*Sula sula*); *ʻIwa*, Great frigate, (*Fregata minor*); Black noddy, (*Anous stolidus pileatus*); *Noio koha*, Brown noddy, (*Anous minutus*); Blue noddy, (*Procelsterna cerulean*); *ʻOu*, Bulwer's petrel, (*Bulweria bulwerii*); Bonin petrel, (*Pterodroma hypoleuca*); Christmas shearwater, (*Puffinus nativitatis*); *ʻUa ʻu kani*, Wedge-tailed shearwater, (*Puffinus pacificus*); *ʻEwa ʻewa*, Sooty tern, (*Sterna fuscata*); *Koa e ʻula*, Red-tailed Tropic Bird, (*Phaethon rubricauda*); and *Koa e ke ʻo*, White tailed Tropicbird, (*Phaethon lepturus dorothaeae*) must be considered.

In SECTION 3 (4) it is stated that "operation of large capacity ferry vessels is declared to be a required public convenience and necessity". It is **not** a required public convenience and necessity. Hawai`i has never had a large capacity ferry. It cannot be a required public necessity, never having been in existence before.

SECTION 3 (6) states that "construction, use or operation of any facilities shall not be subject to or require any county permits or approvals." Why is construction being allowed without following county building codes and permit processes?

SECTION 4. (a) As a condition precedent to the rights conferred by section 3 of this Act, the governor shall impose, by means of an executive order, and without regard to Chapter 91, Hawaii Revised Statutes, or any other provision of

law, conditions and protocols on a large capacity ferry vessel company's inter-island operations to mitigate significant environmental effects that the governor determines, in the governor's best interest. Downright scary. Nothing the governor does can absolve her or the state of NEPA requirements and obligations.

The HSF has daily trips planned between Oahu and Kauai, with a second daily trip expected being added. Cruise ships are making daily calls at Nawiliwili Harbor, sometimes two at a time. Kaua`i is dependent upon shipments of gasoline, propane, aviation and helicopter fuels and many other bulk containers, come inflammable and hazardous. If a large vessel of propane or gasoline cannot be in port at the same time as a large passenger vessel, when can Kauai get bulk deliveries of fuels? Have we created an exclusive economic zone of our harbors?

In Part IV, SECTION 12 (a), the department of transportation is authorized to establish a temporary Hawaii inter-island ferry oversight task force. Suggested makeup of the taskforce does not include any wildlife official (the BLNR member is not necessarily a wildlife appointee). Qualified state and federal wildlife endangered species agencies must be included, like the U.S. Fish and Wildlife Service, National Marine Fisheries, National Oceanic Atmospheric Administration, Pacific Marine Fisheries and Hawai`i Department of Land and Natural Resources endangered species specialists and the invasive species committees of each island. The temporary Hawaii inter-island ferry oversight task force shall meet monthly, commencing with December 31, 2007. With service attempted to begin late October, 2007, that would mean a 60 day gap in impact reporting or invasive species transfer. That is unacceptable. Where is the monitoring mandated? The temporary Hawaii inter-island ferry oversight task force is scheduled to "submit a final report of its findings and recommendations to legislature and governor no later than twenty days prior to the convening of the regular session of 2009". 2009!!!!. Entirely unacceptable.

The Hawaii High Speed Ferry, Inc. has operated as an errant vendor of our ports, and has not followed recommended environmental procedures. Improvements to our port facilities are not wasted can perhaps be better used by a vendor that would be environmentally more respectful of state and federal laws and not cause so much trouble and litigation encumbrances. Perhaps an inter-island passenger ferry system would be a more environmentally sensitive start. If the speed of the proposed HSF and the invasive species transfer by vehicle transport are the most critical issues, has any compromise been considered by HSF? Is this the kind of privatization of our port services that we, as a state, really need? Do we really need a Super- fast, Super Ferry?

Many companies operate with consideration to HEPA and NEPA; those that do not should not be offered special consideration. The Hawaii High Speed Ferry, Inc. cannot be allowed to begin operation without NEPA considerations. HEPA must not be overturned or compromised. The State of Hawai`i cannot risk federal enforcement of NEPA. Please follow the letter and intent of HEPA and NEPA and protect the endangered species of Hawai`i.

I have concerns about the sustainability of the Hawaii Superferry project. The Superferry claims it is more environmentally friendly than air travel, but is burning an expected 5,600 gallons of diesel fuel per trip really sustainable? The Superferry gets only 0.02 miles per gallon, so, even with 800 passengers that is still only 16 passenger-miles per gallon or at the average projected 400 passengers per trip 8 passenger miles per gallon. Hawaiian Airlines flies 115 people on its Boeing 717s. They operate with a fuel efficiency of .44 mile per gallon. That comes to 50 passenger miles per gallon, or three times the people moving efficiency of a full Superferry, 6 times the people moving efficiency of an average-full Superferry. Australia has just begun a really alternative ferry system of hybrid powered boats with solar panels ([www.solarsailor.com](http://www.solarsailor.com)) and a state-of-the-art 600 passenger solar and wind powered hybrid electric ferry named *Miss Statue of Liberty* in New York Harbor is being constructed in partnership with Australia's Solar Sailor Holdings Ltd. This ship is like a hybrid car; it determines the most efficient combination of energy sources for the moment: wind, solar, electric battery, or fossil fuels (diesel). It is designed to emit zero emissions at slow speeds. This ferry's maximum speed of 13 knots would be more whale friendly and not carrying cars would be more environmentally acceptable.

- **NEPA consult must begin immediately with qualified state and federal agencies on all the endangered species of Hawai`i potentially impacted with this new mode of high speed travel, as mandated by law. HSF must adhere to NEPA.**
- **Qualified federal and state agency endangered species and wildlife biologists must be included in the temporary Hawaii inter-island ferry oversight task force.**
- **Agency monitoring and more rapid reporting/response time must be mandated as part of this new law. The governor cannot wait until 2009 to be informed of the status of impacts.**
- **The status of the MARAD Categorical Exclusion must be reevaluated since the revocation of the Hawai`i DOT Categorical Exemption.**
- **Please reevaluate the Public Utilities Commission Permit Decision and Order No. 21524 and reconsider if the Hawai`i Superferry, Inc. is truly in the public interest, need and necessity and if it is based on proper math.**
- **Please reconsider a fee structure charging 14 day old babies.**

Thank you very much for your time and consideration. These decisions you are making will affect many generations of our grandchildren and their quality of life in these islands.

Sincerely,

Hope Kallai



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**House Record**

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**From:** Susan R. Loewenhardt [kalopa@hawaiiantel.net]  
**To:** House Record  
**Cc:**  
**Subject:** Support the Super Ferry  
**Attachments:**

**Sent:** Wed 10/24/2007 8:26 AM

I would like to encourage you to support the SuperFerry. Please consider special legislation to allow the SuperFerry to operate while the Environmental Assessment is being done. 20 years ago my husband and I used to ship our car between islands on Young Brothers all the time. It would take days on the barge. Actually it still does but is anyone looking for coqui frogs on cars and in produce today on Young Brothers? What about the commercial airlines? Anyone checking for invasive species there? What about the freighters and private boats? What about the cruise ships?

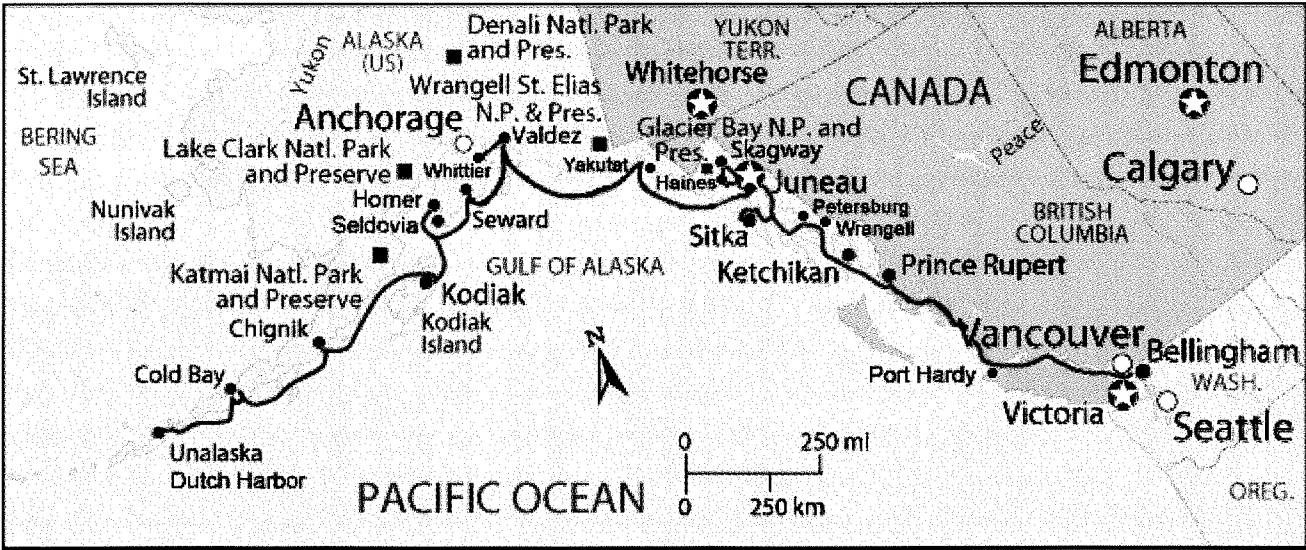
My husband and I have also traveled several times by ferry on the Alaska Marine Highway. This is the same inside passage that the cruise ships, freighters and private boats use. We have never hit whales or dolphins on these trips! If the court decides to halt the Superferry's operation during the EA it could cause the ferry to leave the islands. Hawaii has a population of will over a million people now and we need this ferry system.

With sincere aloha,

Susan Perry Loewenhardt

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**House Record**

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**From:** Kristie Perreira [KPerreira@ortc.com]

**Sent:** Wed 10/24/2007 8:23 AM

**To:** House Record

**Cc:**

**Subject:** Superferry

**Attachments:**

ATTN: House Committee on Transportation and House Committee on Finance

DATE: Thursday, October 25, 2007

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

HB 1 RELATING TO TRANSPORTATION

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

Dear Chairs Souki and Oshiro:

My name is *Kristie M. Perreira* and I strongly support Hawaii Superferry.

*I SUPPORT HAWAII SUPERFERRY because it is another means of transportation for families, businesses and sporting events. By having the Superferry it can make traveling less stressful and not need to ship items through cargo when you can just take it with you on board. I strongly support the Superferry and I hope you will to.*

*Kristie M. Perreira*

*1136 W. Kuiaha Road, Haiku, Hawaii 96708*

*(808) 281-1579*

**House Record**

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**From:** Patricia Thomas [patricia@alohanursing.com]  
**To:** House Record  
**Cc:**  
**Subject:** Saving the Superferry  
**Attachments:**

**Sent:** Wed 10/24/2007 8:27 AM

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

**HB 1 RELATING TO TRANSPORTATION**

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

Dear Chairs Souki and Oshiro:

My name is *Patricia A. Thomas* and I strongly support Hawaii Superferry.

*The idea of being able to travel on water is very exciting and opens up another way to travel. I work with an adult day care program and the idea of being able to take our clients out on an excursion to another island is very important. I strongly support the superferry.*

Patricia A. Thomas

46 257 Haiku Road, Kaneohe, HI 96744  
808 227 0250

**House Record**

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**From:** Concept Construction (Suzy) [suzy@conceptconstructionhawaii.com] **Sent:** Wed 10/24/2007 7:12 AM  
**To:** House Record  
**Cc:**  
**Subject:** Super Ferry  
**Attachments:**

ATTN: House Committee on Transportation and House Committee on Finance

DATE: Thursday, October 25, 2007

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

HB 1 RELATING TO TRANSPORTATION

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

Dear Chairs Souki and Oshiro:

My name is Suzanne E. Lauer and I strongly support Hawaii Superferry. We need an alternative way for transportation between islands, also the ability to move inter-island with your personal car. The farmers would be better able to ship their flowers, fruit and vegetables to outer islands allowing them to expand their business.

Mahalo,

Suzy Lauer - Office Manager

Concept Construction, Inc.

558 Kanoelehua Avenue

Hilo, Hawai'i 96720


Voice (808) 935-0279~Fax (808) 935-7597

[suzy@conceptconstructionhawaii.com](mailto:suzy@conceptconstructionhawaii.com)

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**House Record**

**From:** Clay, Joseph R Mr CIV USA NETCOM/9TH SC A [Joe.Clay@us.army.mil] **Sent:** Wed 10/24/2007 8:21 AM  
**To:** House Record  
**Cc:**  
**Subject:** Superferry Testimony (UNCLASSIFIED)  
**Attachments:**

Classification: UNCLASSIFIED

Caveats: NONE

ATTN: House Committee on Transportation and House Committee on Finance

DATE: Thursday, October 25, 2007

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

**HB 1 RELATING TO TRANSPORTATION**

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

Dear Chairs Souki and Oshiro:

My name is Joseph R. Clay Jr. and I strongly support Hawaii Superferry.


I will not testify in person but I am fully in favor of the Superferry operating between the Hawaiian Islands of Maui, Kauai and Hawaii (Big Island) while an environmental impact study is conducted. It is only fair to allow the Superferry to operate immediately to provide a much needed service for the majority of the citizens of this State.

Only a handful of citizens protest the Superferry's operation and they base their protests on unsubstantiated reasons. Other vessels ply the inter-island waters and air around the clock, 24 hours per day and are not held to the same scrutiny that has been placed on the Superferry.

My family and I were anxiously awaiting the startup of the Superferry. We were excited about the opportunity to go "holo holo" and not deal with airports, airlines and rental cars. Hey, we are still going to stay in a hotel!


I feel I am in the majority here. All polls have shown overwhelming support in favor of the Superferry. Don't let a very small minority of people dictate to the majority.

Joseph R. Clay Jr.  
91-159 Hailipo St.  
Ewa Beach, HI 96706  
(808) 689-3009  
Classification: UNCLASSIFIED  
Caveats: NONE

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**House Record**

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**From:** Pamela Patrinos [pamelasilva@hawaii.rr.com] **Sent:** Wed 10/24/2007 7:52 AM  
**To:** House Record  
**Cc:**  
**Subject:** Testimony for HB 1:Relating to Transportation  
**Attachments:**  [HB 1 - Relatingnsportation.doc\(28KB\)](#)

10/23/07

I'm respectfully submitting testimony regarding HB 1: Relating to Transportation. I will not be in person to testify on Thursday, October 25 at 9:00 a.m. in the Auditorium of the State Capitol.

If you should have any questions, please contact me through my email at [pamelasilva@hawaii.rr.com](mailto:pamelasilva@hawaii.rr.com).

Mahalo,  
Pamela Silva-Patrinis  
2804 Booth Road  
Honolulu, Hawaii 96813



Testimony of Pamela Silva-Patrinos  
Hawaii Resident  
2804 Booth Road  
Honolulu, HI 96813  
pamelasilva@hawaii.rr.com

Thursday, October 25, 2007, 9:00 a.m. at the State Capitol Auditorium  
**WRITTEN ONLY**


RE: HB 1 – Relating To Transportation

Good Morning Chairs Souki, and Oshiro and members of the House Committees on Transportation and Finance. My name is Pamela Silva-Patrinos, I was born and raised on Kauai and now reside on Oahu.

I am writing to you in **SUPPORT** of the Hawaii Superferry operating while an Environmental Impact Statement (EIS) is done. I am also a small business owner with a young family. The Superferry is not only an added resource for my business, but it is an opportunity for my children to experience and enjoy the islands that we live in.

Having lived on Kauai, and now Oahu, I feel that another transportation option for Hawaii residents is a good thing.

Thank you for the opportunity to testify.

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**House Record**

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**From:** Cassera, Eric S Mr TAMC [eric.cassera@us.army.mil] **Sent:** Wed 10/24/2007 8:14 AM  
**To:** House Record  
**Cc:**  
**Subject:** I support the superferry very much so!!!!!!!  
**Attachments:**

I know who is behind the superferry opposition and it is the airlines and the car rental agencies and young brothers ,because they don` t want the competition that the superferry will bring to the islands.Well the hell with those bastards because the super ferry will wonders for these islands and bring the islands more attuned with one another and will be more progressive for theses islands.And I mea all the islands.Let`s keep the super ferry and reduced the amount of traffic on the islands.The super ferry is a wonderful idea together with the the bus,the boat,and the rapid transit system that is comimng.I give my whole support to thew super ferry.Eric Cassera Tripler Army Hospital

**House Record**

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**From:** William Barrios [barriosw001@hawaii.rr.com]**Sent:** Wed 10/24/2007 8:12 AM**To:** House Record**Cc:****Subject:** we support the superferry.**Attachments:**

ATTN: House Committee on Transportation and House Committee on Finance

DATE: Thursday, October 25, 2007

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

**HB 1 RELATING TO TRANSPORTATION**

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

Dear Chairs Souki and Oshiro:


My name is *Nichol viana* and I strongly support Hawaii Superferry.

*My family and I fully Support the superferry. In my home is myself, my fiance, and our four children. My two oldest children are from my first marriage, my children have lost their biological father, but their grandparents are on oahu, along with other family. this gives us more oppertunity to connect with them, grandpa doesnt like to fly. we are looking foward as a whole family to take regular trips to the outer islands to see family and go shopping, we love the idea of driving our own vehicles, and saving money on renting cars. we really cant afford to take a luxury cruise yet, but we are*



*nichol viana*

*excited to cruise on the superferry.  
165 Hololani st. pukalani, maui 96768*

*iena.**(808) 572-6415*

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## House Record

**From:** Michael Duberstein [iliwai34@hawaii.rr.com] **Sent:** Wed 10/24/2007 8:05 AM  
**To:** House Record  
**Cc:**  
**Subject:** Superferry legislation  
**Attachments:**  Requested Minimum Superferry Conditions(575KB)  Ferry and Terminal Analysis Data Sheets.xls(67KB)

### Relating to HB 1 Relating to Transportation

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

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

**PLACE:** Auditorium

Please distribute copies to the House members. Mahalo.

**FROM:** Michael J. Duberstein  
 34 Iliwai Loop  
 Kihei 96753  
 891-0597 [iliwai34@hawaii.rr.com](mailto:iliwai34@hawaii.rr.com)

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

**COMMITTEE ON TRANSPORTATION**

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

**COMMITTEE ON FINANCE**

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

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

Aloha kakou

I strongly oppose any legislation which will allow Superferry to operate during the period an Environmental Assessment and/or an Environmental Impact Study is being conducted.

Earlier this year I prepared a study of traffic-and-terminal related environmental impacts of various ferry systems not only in the United States but also around the world with an emphasis on mandated traffic and terminal mitigations.

This report studied in detail 47 existing and proposed ferry systems (see attachment):

United States ferry systems	35
Canadian ferry systems	4
United Kingdom ferry systems	4
Hamilton, New Zealand	
Indonesia	
Oslo, Norway, and	
Guyana.	

Twenty one ferry systems were currently in operation, twenty four were proposed, and two were defunct; twenty seven can be classified as "fast" ferries.

**Environmental assessment and impact studies—under a variety of titles based on the jurisdiction—were found for all except five of them, and most ferry systems had both significant traffic and terminal-related issues with specific mitigation recommendations mandated before the ferry could start operating; all but four held required and rigorous public scoping sessions prior to the ferry start-up--something that Hawaiian Superferry has never done, just as the briefings around the state this week by members of the Senate are basically informational in nature with no emphasis on content and mitigation.**

**In addition, as a first addendum to the study because it's sited specifically by Hawaii Superferry as a model for traffic forecasting of trip generating, I looked at The Great Lakes Lake Express which was covered by NEPA rather than state assessments and for which no printed report is available. However, had the normal study process been followed, it might have helped avoid some of the severe traffic, terminal and revenue problems that turned up in that system's early operations.**

**As a second addendum, I also looked at the environmental assessment process in a number of states that also have extensive ferry systems. Point blank, no state has ever weakened its environment policy and assessment laws as you propose in this abomination of drafted legislation--and I spent a decade as a researcher, legislative assistant and legislative analyst in the U. S. Congress.**

**The Governor says following our environmental laws will drive away business. Nonsense, because businesses will go wherever they can make money. But if a bill passes that lets the Lingle Administration off the hook, that eviscerates H.R.S. 343, and contains none of the mitigating conditions stemming from the Second Circuit hearing (see attachment), the tables will be turned on you; instead of being blackmailed by the Governor and her Delaware-based Superferry cohorts, I assure you the word will go out to all who hold the environment sacrosanct to stay away from our state and not to visit Hawai'i until we are healthy again.**

**I sat through the entire trial in Judge Cardoza's courtroom. Are you aware that the head of the Maui Chamber of Commerce--who today plans to lead a march around the Capitol--when she testified had never known of H.R.S. 343, much less read a word of it; that the head of the state's Agriculture Department's Inspection program testified that she had no resources available that would allow her to assign government inspectors on Superferry vessels; that the Superferry/HDOT so-called "whale" expert--when he was not working for the petroleum industry--had never studied or written about marine mammals in Hawaiian waters or specialized in whale species other than decade-old reports counting Gray or Bowhead whales; or, that none of the Superferry/HDOT witnesses could specifically point to anything other than minor personal discomforts from using current transportation options. Everything is there in the transcripts which should be read by you before you move ahead with foolish legislation largely crafted by the Superferry's \$2000 an hour legal team, a strangely changing group of attorneys whose constant objections to almost every sentence from plaintiff's attorney turned what should have been a one week to ten day hearing into a month-long ordeal.**

**As we all sat in that courtroom, we got to know Superferry employees who were being paid to attend the hearing. We learned that over 90% of them--33 of 35 on Maui--were only part-time employees, scheduled to work only a maximum of nineteen hours a week which would have excluded them from any health, pension or other benefits going to fulltime workers. And that none of the part-time employees had been told at the time of their hiring that legal action was pending that might affect their work status.**

**I do not oppose interisland ferry service. Once adequate environmental assessments and impacts are mitigated, I would welcome such a service here on Maui. (However, I fear one key reason both the Lingle Administration and Superferry leaders made sure no such assessments and mitigations were conducted under H.R.S. 343 is that they feared--and still fear--that they could never reconcile their still secret [per the Supreme Court decision] business plan and schedules with necessary environmental law and practice.)**

**You are a holder of our public trust. You must do what is right, what is pono. As legislators you must lead--and if that entails voting against phony public polls and against the huge resources being spent by Superferry and its p.r. firms--let pono be your final guide. Remember that a lot more than a simple ferry system is at stake here.**

**Mahalo and malama pono**


**Michael J. Duberstein  
34 Iliwai Loop  
Kihei 96753 891-0597**

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## House Record

**From:** Dick Mayer [dickmayer@earthlink.net] **Sent:** Fri 10/19/2007 7:58 AM  
**To:** Dick Mayer  
**Cc:**  
**Subject:** Requested Minimum Superferry Conditions  
**Attachments:**  AVG certification .txt(227B)

Aloha,

Following is the letter on page 1, and the 4 page list of 29 conditions that we gave to Senate President Colleen Hanabusa and the entire legislature yesterday, (October 18).

**WE REQUESTED THAT THE LEGISLATURE INCORPORATE THESE CONDITIONS IN ANY LEGISLATION THAT THEY MAY PASS THAT WOULD OVERTURN THE COURT RULINGS WHICH REQUIRED THAT AN ENVIRONMENTAL REVIEW BE COMPLETED BEFORE THE SUPERFERRY IS ALLOWED TO OPERATE.**

**Isaac Davis Hall**

Attorney at Law  
 2087 Wells Street  
 Wailuku, Maui, Hawaii 96793  
 Telephone: (808) 244-8017  
 Facsimile: (808) 244-8775

October 18, 2007

I submit this letter on behalf of my client, Maui Tomorrow, Inc.

We strongly oppose operation of Hawaii Superferry during the time it takes to prepare an EA or an EIS. Such operations violate unambiguous Hawaii law. Maui Circuit Court Judge Joseph E. Cardoza correctly found that such operations caused the possibility of irreparable harm to marine mammals and an increased rate of alien species introductions.

Evidence received during the hearings made it obvious that the Hawaii Superferry project "may" have a significant effect on the environment and, as such, a full EIS is required. Legislative recognition of this inevitability is no real concession to environmentalists.

We urge the Legislature not to pass this unconstitutional special legislation benefitting a single business, depriving us of vested Constitutional rights and violating the separation of powers by overruling a judicial decision.

If the Legislature has already decided (a) to convene a special session and (b) to allow Hawaii Superferry to operate while an EA or EIS is being prepared, it would be irresponsible of us to abandon the protection of the environment to the same administration that has been dedicated for many years to minimizing legitimate concerns about the Superferry project.

We are compelled to recommend conditions of operation to be imposed by the Legislature, not because we agree that the Superferry can operate (we do not) or because we agree with the proposed legislation or its purposes (we do not), but because it is now necessary to protect Hawai'i from the impacts of the improvident actions of the Lingle Administration and the Legislature if they were to allow the Hawaii Superferry to operate, even after a month long trial amply demonstrated that this would be unlawful and would cause irreparable harm in multiple fashions.

Based upon one month of daily testimony from highly qualified experts, the consensus of prevailing expert opinion was that the following mitigation measures are absolutely required to minimize to some responsible degree the possibility of irreparable harm caused by Hawaii Superferry operations during the time it takes to prepare an EA or EIS: