

CONDITIONS OF OPERATION

Protection of Marine Mammals and Turtles

1. Hawaii Superferry vessels shall travel in routes that are in waters that are in excess of 1000 fathoms.
2. If Hawaii Superferry vessels travel in a route that is in any part in waters less than 1000 fathoms, its vessels shall travel at the NOAA recommended speed of no more than 13 knots. The 13 knot limitation shall be inclusive of the first 10 miles of exits and entrances to Honolulu, Kahului and Nawiliwili harbors. At all times, regardless of fathom depth, the ferry shall travel at lesser speeds than provided above as determined by the Captain to provide safe passage to passengers and to minimize strikes to whales.
3. Should a Hawaii Superferry vessel strike a marine mammal, a written report of such strike shall be immediately transmitted to NOAA and any other agencies responsible for monitoring and regulating strikes.
4. Hawaii Superferry shall immediately apply for and receive from NOAA an incidental take permit and engage in Section 7 consultation with NOAA regarding the impacts of its ferry operations on protected marine mammals.

Protection Against Introduction of Alien Species

5. Hawaii Superferry shall conduct thorough undercarriage washes of all vehicles during embarkation at all ports to help dislodge seeds, insects and animals. Such undercarriage wash systems shall include appropriate debris traps and filters.
6. Hawaii Superferry shall utilize sufficient vacuum stations to vacuum the floors of all vehicles during embarkation. An appropriate filter system to trap and contain all debris shall be employed.
7. Hawaii Superferry shall not permit the transport of plants or plant propagative materials.
8. Hawaii Superferry shall secure and pay for all costs to have a dog handler team present at all harbors to conduct inspections of all vehicles at the time of embarkation. These dogs will be utilized to prevent the inter-island transmission, primarily, of invasive species and, secondarily, of drugs.
9. Hawaii Superferry shall inspect (a) the trunks of all cars, (b) the beds of all pickup trucks, (c) the engine compartments of all vehicles and (d) the interiors of all vehicles. Items such as coolers, boxes, trunks and luggage shall be opened and inspected.

10. Agricultural inspections shall not be conducted on a random basis. Every vehicle and passenger shall be inspected or screened.

11. Hawaii Superferry shall not permit the transport of fishing nets.

12. Hawaii Superferry shall conduct, publish and disseminate a risk assessment within three months of operation to further assess potential impacts and better identify potential mitigation options.

13. Hawaii Superferry shall post signage at all harbors about invasive species. Specific information about invasive species shall be disseminated during the ticketing process on Hawaii Superferry's website. Said signage and information shall have been reviewed and approved by a representative of the Maui Invasive Species Committee.

Protection of Customary Native Hawaiian Practices

14. Passengers, upon checking in at a harbor, shall declare whether they intend to camp at any destination island. Hawaii Superferry shall disseminate to all passengers who have declared their intent to camp written rules and procedures for camping on the destination island.

15. Passengers shall only camp at Federal, State and County campgrounds at destination islands, and then only if they can demonstrate upon checking in that they have obtained in advance permits to camp at those campgrounds.

16. Passengers shall not be permitted to transport to another island cultural or natural resources or products from the ocean, from the shoreline or from the inlands of another island, unless they can demonstrate through a written receipt that they have purchased these items from a legitimate commercial establishment.

17. Should Hawaii Superferry, through the inspection process, discover an attempt to transport natural resources to another island, this transport shall be disallowed and Hawaii Superferry shall immediately notify local DLNR DOCAR officials.

Agricultural Inspections

18. There shall be two (2) qualified Department of Agriculture agricultural inspectors present and participating in agricultural inspections at all times of embarkation and disembarkation at each port. The DOA inspectors shall supervise all HSF screeners.

19. Hawaii Superferry, as an impact fee, shall pay all costs of the agricultural inspectors required in the foregoing paragraph.

20. The State Department of Transportation, in conjunction with the Governor, the State Legislature, and the Department of Agriculture shall forthwith allocate positions and funds for the additional agricultural positions necessary to staff the inspection personnel set forth in paragraph 18 above.

Bond Required

21. Hawaii Superferry shall post a bond in the amount of \$40,000,000.00 to reimburse the State for the balance of the funds due, in the event that the Hawaii Superferry does not operate or refuses to follow the mitigation measures required by the EIS.

Permission to Operate Applies Only to the Alakai

22. The permission to operate in this Bill is limited solely to the operation of the Alakai and shall not extend to any other vessel or vessels operated by Hawaii Superferry. The "no action" provisions of Chapter 343 shall be fully applicable to all other Superferry vessels, except for the Alakai.

Time Limits

23. Hawaii Superferry shall not be able to utilize the lack of a time deadline in HRS Chapter 343 for the completion of the EIS as a means to keep operating for whatever period of time it may take to prepare an EIS. The Alakai shall not be entitled to operate after the expiration of the last day of the fifteenth (15th) month after the date of the adoption of this legislation.

24. These conditions of operation shall, however, be applicable to any and all Hawaii Superferries irrespective of whether they operate before or after the preparation of the EIS.

Verification of Compliance

25. Designated representatives of Plaintiff groups shall be entitled to verify Hawaii Department of Transportation's and Hawaii Superferry's compliance with all of the foregoing.

26. In order to accomplish the foregoing, the designated representatives of Plaintiffs in Sierra Club et.al. v. HDOT: Civil No. 05-1-0114(3) shall be granted access to all State lands granted at all ports to Hawaii Superferry for its operations.

Enforcement of Conditions

27. The foregoing conditions of operation may be enforced by the Attorney General of the State of Hawaii and by Plaintiffs in Sierra Club et.al. v. HDOT: Civil No. 05-1-0114(3).

28. These conditions may be enforced in any Circuit Court in the State of Hawaii and the prevailing party shall be entitled to the reimbursement of reasonable attorney's fees and costs.

29. An allowable remedy in any such enforcement action shall be the cessation of operations by Hawaii Superferry until and unless compliance is achieved with the foregoing conditions.

Attachments can contain viruses that may harm your computer. Attachments may not display correctly.

House Record

From: Anne C. [minus1chun@excite.com] **Sent:** Wed 10/24/2007 7:51 AM
To: House Record
Cc:
Subject: *****SPAM*****
Attachments:  (no name)(5KB)

This mail is probably spam. The original message has been attached along with this report, so you can recognize or block similar unwanted mail in future.

Content preview: 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 Anne Chun and I strongly support Hawaii Superferry. Although I do not plan to submit my comments in person, I would like to express my opinion. The idea of a major business opportunity and advancement for the State of Hawaii is sadly shot down once again. How sad it is when private money is put up for a business enterprise such as this has had such opposition from the start to better our State and to show the rest of the world that Hawaii is a viable State ready to welcome new business like the Super Ferry. Instead our State shuns it. Not only would the State of Hawaii benefit from Super Ferry revenues, but it would also provide jobs, shipping efficiency to get local products to market faster and provide fresher produce and goods to retail outlets, not to mention more efficient service for the construction industry to be able to transport large trucks and vans back and forth to the neighbor islands. There are a host of other good qualities that the Super Ferry would offer, including an opportunity for kamaainas and visitors to enjoy the beautiful scenery our islands have to offer while enjoying a ride in comfort on the Super Ferry. It is so sad that Hawaii's government just can not envision advancement for the State. It seems that Hawaii's government lacks vision and opposes change. It's time for our elected officials to wake up and stop dreaming. We are living in a world of "today";...not in a world of yesterday. Get off your duffs, get the job done and get the [...]

Content analysis details: (7.3 points, 7.0 required)

1.7 RCVD_FAKE_HELO_DOTCOM Received contains a faked HELO hostname
0.6 J_CHICKENPOX_44 BODY: 4alpha-pock-4alpha
0.6 J_CHICKENPOX_62 BODY: 6alpha-pock-2alpha
0.0 HTML_MESSAGE BODY: HTML included in message
0.5 DNS_FROM_RFC_ABUSE RBL: Envelope sender in abuse.rfc-ignorant.org
1.4 DNS_FROM_RFC_POST RBL: Envelope sender in postmaster.rfc-ignorant.org
1.6 MISSING_SUBJECT Missing Subject: header
1.0 RCVD_IN_SORBS RCVD_IN_SORBS

The original message was not completely plain text, and may be unsafe to open with some email clients; in particular, it may contain a virus,

or confirm that your address can receive spam. If you wish to view it, it may be safer to save it to a file and open it with an editor.

House Record

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Cc:
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My name is Anne Chun and I strongly support Hawaii Superferry.

Although I do not plan to submit my comments in person, I would like to express my opinion.

The idea of a major business opportunity and advancement for the State of Hawaii is sadly shot down once again. How sad it is when private money is put up for a business enterprise such as this has had such opposition from the start to better our State and to show the rest of the world that Hawaii is a viable State ready to welcome new business like the Super Ferry. Instead our State shuns it.


Not only would the State of Hawaii benefit from Super Ferry revenues, but it would also provide jobs, shipping efficiency to get local products to market faster and provide fresher produce and goods to retail outlets, not to mention more efficient service for the construction industry to be able to transport large trucks and vans back and forth to the neighbor islands. There are a host of other good qualities that the Super Ferry would offer, including an opportunity for kamaainas and visitors to enjoy the beautiful scenery our islands have to offer while enjoying a ride in comfort on the Super Ferry.

It is so sad that Hawaii's government just can not envision advancement for the State. It seems that Hawaii's government lacks vision and opposes change. It's time for our elected officials to wake up and stop dreaming. We are living in a world of "today"...not in a world of yesterday. Get off your duffs, get the job done and get the Super Ferry on the move!


Anne Chun 4960 Mana Place Honolulu, HI 96816 808.7378712

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House Record

From: Silva, Laurena [lsilva1@honolulu.gov] **Sent:** Wed 10/24/2007 8:10 AM
To: House Record
Cc:
Subject: *****SPAM*****
Attachments:  (no name)(15KB)

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Content analysis details: (7.7 points, 7.0 required)
0.8 EXTRA_MPART_TYPE Header has extraneous Content-type:...type= entry
1.0 MONOTONE_WORDS_15_2 BODY: Many lowercase words (15+ words, 2+ letters)
0.0 HTML_MESSAGE BODY: HTML included in message
0.3 HTML_FONT_BIG BODY: HTML tag for a big font size
4.0 SARE_GIF_ATTACH FULL: Email has a inline gif
1.6 MISSING_SUBJECT Missing Subject: header
0.0 NO_RDNS2 Sending MTA has no reverse DNS

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House Record

From: Silva, Laurena [lsilva1@honolulu.gov]**Sent:** Wed 10/24/2007 8:10 AM**To:** House Record**Cc:****Subject:****Attachments:**

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DATE: Thursday, October 25, 2007

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

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Dear Chairs Souki and Oshiro:

My name is *Laurena Silva* and I strongly support Hawaii Superferry.*WHY I SUPPORT HAWAII SUPERFERRY Being from the Island of Kauai and a farmer. The SUPERFERRY would be**an excellent resource to getting my produce to the other islands as well as the Superferry would be another resource used as a transportation in case of an emergency such as when we have a hurricane.*

]

*Laurena Silva**Phone: (808) 768-3167 Fax: (808) 768-3172**(808) 383-3910**Email: opuroad2@msn.com*

 This message was sent with high importance.
The sender of this message has requested a read receipt. [Click here to send a receipt.](#)

House Record**From:** Nichol Meyers [nmeyers@hawaii.rr.com]**Sent:** Wed 10/24/2007 7:57 AM**To:** House Record**Cc:****Subject:** I SUPPORT HAWAII 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

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Dear Chairs Souki and Oshiro:

My name is *Nichol Meyers* and I strongly support Hawaii SUPERFERRY!!!

I think that the Superferry will be great for Hawaii's struggling economy allowing tourists to take their rental cars and visit all the islands. I think that the Kamaaina would appreciate being able to watch the sunrise on top Haleakala in the morning. I would love to take my family camping at Kilauea but as of now it remains to expensive to ship all the appropriate gear. The outer islands need construction workers and are paying much higher prices to build. Utilizing the Superferry Hawaii's construction force would be able to meet demands at a reasonable price..

Lets bring Hawaii together.. Lets not divide our state!!

Nichol Meyers

1313 Mokapu Blvd.

Kailua, Hi 96734

House Record

From: Melissa McFerrin [melissa.mcferrin@hawaiisuperferry.com] **Sent:** Wed 10/24/2007 7:59 AM
To: House Record
Cc:
Subject: FW: Hawaii Superferry Hearing Testimony for HB 1, Hearing 9:00am Thursday 10/25
Attachments:

Attention: House Committee on Transportation

House Committee on Finance

Testimony for Hearing on HB 1, October 25, 9:00am

Aloha,

My name is Teri Leicher. My family owns and operates Jack's Diving Locker, which has 2 Retail Dive Stores, 5 Boats and 40 employees in Kailua Kona.

I could not testify in person as I am about to board a flight.

As a Business we have been actively involved in and dedicated to marine and environmental conservation for over 25 years. We have been recipients of the Living Reef Award, The Hero of the Year for the Environment award and others.

Because of this I was asked to volunteer my expertise to help the Superferry with potential community concerns. I was amazed to see how open to change and willing they were to work with the community on issues. They made major changes to mitigate potential problems.

I am very disappointed with what is currently happening with the Superferry. I feel that an environmental assessment is not a bad idea and should be done for the entire shipping industry...but not just the Superferry. We have cruise ships on an almost daily basis dumping muddy bilge water in our pristine Kailua Bay. The Superferry doesn't even have ballast or bilge water. The cruise ships dump sewage in the waters off of our shores. The Superferry uses the Honolulu sewer system.

As far as folks taking our fish, they can already do that using Young Brother's or Hawaiian Airlines. We need different laws to protect our resources.

The roads are already overcrowded with visitors and locals. I do not think the Superferry will have much of an impact there. During the blessing at Kawaihae there were over 2000 visitors to the harbor. Traffic was not a problem. The roads are due to be improved anyway.

Many local folks are eager to see the Superferry start so they can go to Honolulu to shop, take their race cars to the drag races, take their horses for a parade, take their canoes for the races, go surfing and many other activities.

I would recommend that the Superferry not be made a last minute "Scapegoat", but be allowed to run. At the same time the State of Hawaii should do an EA or an EIS for the entire shipping Industry. It's long over due.

and crew

Respectfully, Teri Leicher on behalf of Jack's Diving Locker



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www.jacksdivinglocker.com

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House Record


From: Don Stiger [stigerd001@hawaii.rr.com]

Sent: Wed 10/24/2007 7:57 AM

To: House Record

Cc:

Subject: Super Ferry I

Attachments:  [Super Ferry I.doc\(30KB\)](#)

Please open attachment and enter as written testimony for the record regarding the Superferry.

Mahalo.

Aloha and Regards,

Donald R. Stiger

Donald R Stiger
PO Box 383431
Waikoloa, Hawaii
808-883-8931

October 24, 2007

Testimony for Special Session of the Legislature

Subject: Hawaii Super Ferry

The Canary Islands like the Hawaii Islands consist of 7 islands in the middle of the Atlantic Ocean. These are volcanic islands like ours with similar population, flora and fauna. The main industries are tourism and agriculture. They are part of Spain.

Fred Olsen Line (A Norwegian Company) has been providing car/passenger ferry service between these islands since 1989 with a fleet of 5 fast ferries of the same design as our Super Ferry. Their largest ferry travels at 42 knots [6 knots faster than our ferry] and carries 1250 passengers and 400 autos. This fleet provides safe dependable scheduled service among the islands and is vital to the commerce of the local population together with the tourists and especially the agricultural community.

They have never hit a whale or harmed any marine life in their history and invasive species has never been a problem. The major invasive species issue comes from the cruise/cargo vessels and air planes arriving from foreign destinations.

I am amazed that our entire community does not embrace the super ferry as a welcome addition to our inter island travel. The PUC after extensive hearings awarded the super ferry permission to operate between the islands. The Department of Transportation did all the studies and invested over 40 million dollars in harbor upgrades to ensure there would be no harm to the environment and to avoid traffic problems.

The super ferry will take us out of the dark ages and into the 21st century and finally provide us with transportation service between the islands at least comparable to those in Europe, Asia, and even the third world countries in Africa and Latin America.

It is time for all the unfounded emotional arguments that are being used to inflame those ignorant of the true facts to be set aside and all parties need to come together to allow this huge improvement to our inter-island transportation system.

IMUA

House Record

From: Allen Ardry [AllenA@NordicGC.Com]
To: House Record
Cc:
Subject:
Attachments:

Sent: Wed 10/24/2007 7:57 AM

ATTN: House Committee on Transportation and House Committee on Finance

DATE: Thursday, October 25, 2007

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

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Dear Chairs Souki and Oshiro:

My name is *Allen Ardry* and I strongly support Hawaii Superferry.

I was initially opposed to the ferry, as the roads are inadequate for the current traffic load here in Maui. But after talking with some of the local people here at work I had my mind changed. The ferry will allow people to travel to other islands, as the mainland people move about their own state. It gives people more freedom, a good thing. The state of Hawaii has special circumstances, because it is a system of islands. Therefore, it needs special rules to give its people what they need. The additional traffic load will hopefully bring some much needed road improvements here in Maui. The legislature in Oahu has not done its duty to the peoples of the other islands, instead only worrying about taking care of their own neighborhoods.

Sincerely,


Allen Ardry

833 High St.


Wailuku, Hi



Nordic Construction LTD
Allen Ardry, Project Engineer
Honua Kai – Jobsite
130 Kai Malina Parkway
Lahaina, Maui, HI 96761
Phone: (808) 661.4514
Fax: (808) 661.4534
Cell: (808) 306.6806

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House Record

From: ryan touchi [ryantouchi@yahoo.com] **Sent:** Wed 10/24/2007 7:47 AM
To: House Record
Cc:
Subject: *****SPAM***** Superferry support
Attachments:  Superferry support(3KB)

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Content preview: ATTN: House Committee on Transportation and House Committee on Finance DATE: Thursday, October 25, 2007 TIME: 7:45 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 Ryan Touchi and I strongly support Hawaii Superferry. I think the Superferry is a great way for people to travel inter-island without having to take a plane. As for myself, I don't like flying too much and haven't gotten to see much of the rest of the state besides O'ahu. I know if we had this Superferry, I would be able to take my car with me and see each island and what it has to offer. I appreciate your consideration. [...]

Content analysis details: (11.5 points, 7.0 required)
0.0 HTML_MESSAGE BODY: HTML included in message
0.9 HTML_10_20 BODY: Message is 10% to 20% HTML
0.5 DNS_FROM_RFC_ABUSE RBL: Envelope sender in abuse.rfc-ignorant.org
0.9 DNS_FROM_RFC_WHOIS RBL: Envelope sender in whois.rfc-ignorant.org
1.2 RCVD_IN_SORBS_WEB RBL: SORBS: sender is a abuseable web server
[70.95.141.228 listed in dnsbl.sorbs.net]
7.0 RCVD_IN_CBL RBL: Received via a relay in cbl.abuseat.org
[Blocked - see <<http://cbl.abuseat.org/lookup.cgi?ip=70.95.141.228>>]
1.0 RCVD_IN_SORBS RCVD_IN_SORBS

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From: ryan touchi [ryantouchi@yahoo.com]

Sent: Wed 10/24/2007 7:47 AM

To: House Record

Cc:

Subject: Superferry support

Attachments:

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DATE: Thursday, October 25, 2007

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Dear Chairs Souki and Oshiro:

My name is Ryan Touchi and I strongly support Hawaii Superferry. I think the Superferry is a great way for people to travel inter-island without having to take a plane. As for myself, I don't like flying too much and haven't gotten to see much of the rest of the state besides O'ahu. I know if we had this Superferry, I would be able to take my car with me and see each island and what it has to offer. I appreciate your consideration.

Regards,
Ryan Touchi
94-1154 Manino Pl.
Waipahu, HI 96797
808-671-8004

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House Record

From: Heather Agunoy [HAgunoy@chunrair.com]
To: House Record
Cc:
Subject: Superferry Testimony
Attachments:

Sent: Wed 10/24/2007 7:52 AM

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DATE: Thursday, October 25, 2007

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Dear Chairs Souki and Oshiro:

My name is Heather Agunoy and I strongly support Hawaii Superferry.

I support the Superferry 100% as it will enrich the economy of all of the islands of Hawaii, give jobs to our local people, and last but certainly not least it will benefit our children for many years to come.

Thank you,

Heather Agunoy

91-620 Pohakupuna Road
Ewa Beach, Hawaii 96706

House Record

From: John Steuber [johns@hawaiiplaningmill.com]
To: House Record
Cc:
Subject: Superferry hearing comments
Attachments:

Sent: Wed 10/24/2007 7:51 AM

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Dear Chairs Souki and Oshiro:

My name is John Steuber and I strongly support Hawaii Superferry.

I believe the citizens of Hawaii deserve transportation and freight options.

The Superferry will provide an alternative that can potentially lower costs in Hawaii and improve the lives of all citizens of the State.

I understand that independent polls show strong (over 60%) support for the SuperFerry product.

The issue of demanding the EIS at this stage is not one of serving the need of environmental compliance but a direct assault on eliminating the Superferry from being offered in Hawaii.

The citizens of the state should not be burdened with the costs of the loan guarantees and harbor improvements that the elected legislature approved. To change the decision process after the fact is inappropriate and continues to reinforce the perception that decisions made in Hawaii are subject to revision based of the vocal minority opinions.

I am written this as a citizen of the State of Hawaii and not in any official capacity for my employer.

Best regards, John Steuber

John Steuber | Director of Manufacturing Operations

Email: johns@hawaiiplaningmill.com

Ph: (808) 966-5640 | Fax: (808) 966-6665 | Cell: (808) 960-5078



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