



DEMOCRATIC PARTY OF MAUI

#181

October 9, 2007

Chief Clerk fax 1-808-586-6401

Please distribute copies to all House Members

Dear Representative,

It was obvious from day one that the Hawaii Super Ferry would have adverse impacts on Hawaii's endangered whales, sea mammals, invasive species, rural communities and outer Island resources. Since the fall of 2003 hundreds of individuals, groups at numerous meetings and Public Utilities Commission hearings, thru county council resolutions and via letters and thousands of petition signatures begged the Hawaii Super Ferry and the State Department of Transportation to follow the Hawaii Environmental Protection Act (HEPA) and conduct a Environmental Assessment on the super ferry project. However powerful and wealthy people in powerful positions thru denial, greed, circumvention and by their own fault violated the constitutional rights and safety of the public. The Supreme Court and now the Circuit Court on Maui has ruled that economic costs and concerns do not override the potential and true damage to our environment from an unmitigated project such as the Super Ferry. It will be a sad, sad day if the Hawaii State legislature convenes a special session to undo the 30 years of Hawaii environmental law which has promulgated HEPA and Chapter 343 requiring environmental review before a project is implemented. Our environment is our economy and that economy is the wholly owned subsidiary of the environment. Our early lawmakers had great insight into the future of Hawaii and I pray the Hawaii Legislature honors their memory doing the right thing by not legislating after the fact approval and relief or for rewarding bad behavior.

Lance Holter

Chairman, Democratic Party of Maui County

PO Box 790656
Paia, HI 96779

tele 808-579-9442

The Democratic Party of Maui

2070 Vinyard Street Suite 5, Wailuku, HI 96793

People - Our Only Special Interest

Registration No. _____

**This person has signed up to testify.
No written comments were submitted.**

First & Last Name Manuel Makahiāpa Kuloloia

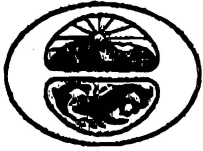
Organization
[if applicable]

Hale ō Kuloloia
Maui; Oahu

Contact
[phone or email]

330 - 2896 (e) 871-4001 (h)
877-8231 (pager)

#183



Conservation Council for Hawai'i

President

Julie Leialoha

Vice-President

Nelson Ho

Secretary/Treasurer

Kim Ramos

Directors

Don Heacock

Fred Kraus, Ph.D.

Douglas Lamerson

Steve Montgomery, Ph.D.

George Robertson

Claire Shlmabukuro

Melene Takemoto

Mashuri Walte

Executive Director

Marjorie Ziegler

Testimony Submitted to the House Committees on
Transportation and Finance

Hearing: Thursday, October 25, 2007 9 am
State Capitol Auditorium

Re: Superferry Legislation

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

Thank you for the opportunity to testify.

Sincerely,

Marjorie Ziegler



Working Today for the Nature of Tomorrow!

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

Hawai'i Affiliate of the National Wildlife Federation

House Testimony

#184

From: BARBARA HOLAKOVSKY [bholak_pcs@hotmail.com]
Sent: Thursday, October 25, 2007 4:42 AM
To: House Testimony
Subject: #0184 Hawaii Superferry

Dear Chairs Souki and Oshiro:

My name is Barbara Holakovsky and I strongly support Hawaii Superferry.

I have visited the island of Oahu on numerous occasions and enjoy everything about it. However, due to the costs associated currently with traveling to the other islands I have not had the opportunity to see any of them. The Hawaii Superferry would enable travelers like myself to enjoy all of what Hawaii has to offer at a more reasonable cost.

Barbara Holakovsky CCS-P, CPC, CHCO, ACS-ED
2480 Barn Owl Lane Elgin, Illinois 60124
President
Physician Coding Solutions, Ltd.
Phone 847-338-2227
Fax 847-717-5271

Confidentiality Notice: This e-mail message and any attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use, disclosure or distribution of this information is prohibited by law. If you are not the intended recipient please notify sender immediately. Thank you.

House Testimony

#185

From: Ruthtutu@aol.com
Sent: Thursday, October 25, 2007 5:18 AM
To: House Testimony
Subject: #0185 Re(Transportation(FERRY System) HB1/Draft 7

HOUSE OF REPRESENTATIVES==
 24TH SPECIAL LEGISLATIVE SESSION

Committee on Transportation	Committee on Finance
Rep. Joe Souki Chair	Rep. Marcus O'shiro
Rep. Scott Nishimoto, V. Chr.	Rep. Marilyn Lee, V. Chr.

Hearing: Thursday, October 25, 9:30 a.m. Auditorium, State Capitol
 copies necessary---unknown

RE; TO TRANSPORTATION---- Requires DOT to perform environmental impact (EIS) statement for commercial harbor improvements, while permitting operation of large capacity ferry vessel, after meeting certain minimum conditions. Establish temporary Hawaii Inter-Island Ferry Oversight Task Force.

SUPPORT DRAFT 7, without changes

Honorable House Chairmen and Vice Chairmen:

Without enough time to read HB 1--we are not sure IF changes have been made. We also do not believe that changes are necessary, even more so, after reading Draft 7 in it's entirety, submitting our written support testimony for Draft 7 and hearing all testimony presented at yesterday(Oct. 24th) Hearing.

The testimony of all state officials involved, or with educational and job experience knowledge of their subject, especially Agriculture, etc. and other government employees with experience and knowledge of their subject, was even more compelling in our support of DRAFT 7!

When learning officially(Agriculture Dept.)by testimony, that 500 autos plus are transported regularly via BARGE to outer islands, and without environmental EIS problems, but these CARS are more apt to carry "INVASIVE species" than vehicles transported by ferry system which are cleaner!!!

PLUS, every ship or water transportation vehicle from all over the world has "free rein" to these same waters and harbors without being subject to this discrimination, worry of speed and whale injury,etc,!

Another very GOOD example--was "Christmas trees" and their possible carrying of "invasive species" being much higher---and we are not hearing ANYTHING against CHRISTMAS trees!

NOW we hear one of our Senators quoted in the newspaper as worried about the "environmentalists" from Maui testimony! We all must BE VERY CAREFUL about people using that designation--as it means nothing, except that is what THEY want to be called and inferring "that they have some magical knowledge" that "real experts" are lacking! These are "rabble rousers" ONLY and by their very statements show "little knowledge" as it is usually wrong, wrong, wrong!

We have always considering ourselves "environmentalists" and true "environmentalists" use proven "scientific data": for their position and not just hysterical tirades without merit or proof.

We have FAITH that THIS Legislative body will use their usual intelligence and knowledge of the facts presented by the true experts, do what is right for Hawaii residents, and not be worried about whether a small percentage of the population testifying against, and still saying they will DEFY LAW by "being in the water"! They should pay attention to the tremendous SUPPORT of the public and know that votes lost,IF lost, will only be from the small number of people without education of the subject, and that 80-90% of the public agrees with DRAFT 7, as was proven yesterday!

10/25/2007

Do not tinker with DRAFT 7. It is well written and understood by "experts" who drafted the legislation. Let ALL of us, who are in need of a transportation system that we can use---Kupuna, disabled, and families==have access to a ferry system that fits our needs as soon as possible.

Mahalo for serving your communiity,
Ruth and Harold Willenborg, 1015 Aolao Pl. #360, Kailua, Hi.9673(Ph. 261-1046) (Both disabled kupuna with families, and unable to air travel anymore--but would still support the ferry system if air travel possible)

See what's new at AOL.com and [Make AOL Your Homepage](#).

House Testimony

#186

From: Robert E. Smith [rsmith291@hotmail.com]
Sent: Thursday, October 25, 2007 5:52 AM
To: House Testimony
Subject: #0186 Superferry testimony

We own two homes in Honolulu and live in Oregon as well. We are shocked and embarrassed by the comments from the activists in Hawaii. Their rationale is so transparent, and clearly that of the environmentalist's attempt to block a wonderful asset for the State of Hawaii. Their logic is without logic. One has to consider all of the shipping traffic moving throughout the Islands. How can they explain away the same charges that the Superferry is being saddled with---endangering whales, bringing unwanted species from one Island to another etc. etc.

Please do not let this very loud minority take away a wonderful opportunity for locals and tourists to enjoy the beauty Hawaii has to offer.

Allow the Superferry to operate while the environmental impact is studied!!!! If not, stop all the shipping of freight, pleasure and fishing boats cruising in the Hawaiian Islands. Using their rationale, the aforementioned has a much greater impact than the Superferry.

Robert E. Smith
1350 Ala Moana Blvd.
Honolulu, HI

10/25/2007

Comm. Transportation: Re. Joe Souki, Chair & Rep. Scott Nishimoto, Vice Chair
Comm. Finance: Rep. Marcus Oshiro, Chair & Rep. Marilyn Lee, Vice Chair
Testimony for Thursday, Oct. 25, 2007 State Capitol Auditorium
Superferry Bill

Dear Chairs, Vice-Chairs, and Members:

First, as a private citizen and as someone who has taught and litigated environmental cases, including EIS cases, for over 20 years, I strongly object to the glaring failure of the House Leadership to refer this bill to the House Energy and Environmental Protection Committee. This inexplicable omission only further undermines a flawed legislative approach to resolving this issue.

Second, I request that both the House and Senate suspend the Special Session and tell the parties to the Superferry case to return to Judge Cardoza with settlement offers that will – within five days – result in a judicially approved, enforceable agreement to move forward with a real EIS with appropriate conditions. The Legislature is ill-equipped to design a smart “fix” especially in such a rush; however, the parties and the circuit court are very well versed in the issues and should be highly motivated to resolve this case quickly in light of the uncertainties of the outcome of a Special Session.

I am writing in strong opposition to the proposed Superferry special legislation. A sustainable, robust, and environmentally friendly inter-island transportation system *is* an important goal for the State of Hawaii. This bill, however, does not achieve that goal. By allowing the Hawaii Superferry to operate outside the normal legal system, contrary to our fundamental environmental laws, and in violation of a unanimous Supreme Court opinion, the bill sets a terrible precedent for all of Hawaii’s law-abiding businesses and citizens. This legislation will have unpredictable and long-lasting adverse consequences for responsible governance in our State. The Legislature should focus on creating a sustainable inter-island transportation system and on fixing the cascade of systemic errors that led to this current crisis in governance rather than bending the rules through this special interest legislation. The three principles that should govern any legislative solutions are:

Accountability. To ensure accountability and objectivity in any assessment of impacts and imposition of conditions on the Superferry and any other inter-island transportation systems, the Legislature should ensure that oversight and authority rests with a neutral entity that has real authority and capacity to assess, set, and enforce conditions.

Transparency. The failure to be transparent and to allow full public participation through the well-established processes set up by Chapter 343 led to a severe policy crisis, as well as to a crisis of public confidence. Any future process must be fully transparent, comply with our state Sunshine and Open Records law, and require the Governor, DOT, and the Superferry to disclose all relevant documents related to past and future actions on the federal and state level. The public should have direct immediate access to those documents and the opportunity to participate in public hearings (in each county) at all key points in any future decisionmaking.

Environmental Integrity. There is no doubt that a full EIS is required under these circumstances given the scope of the project. A new independent oversight body should be given authority to shepherd along the EIS process but also to impose specific operating conditions on the Superferry that arise from the mitigation proposed by the EIS. Perhaps a new kind of permit should be created for this operation and for all existing inter-island transportation systems, rather than addressing this statewide issue in a piecemeal fashion through ad hoc “operating agreements.” The permit system must be enforceable not just by the State but also by citizens groups. Thank you for considering my comments on the proposed legislation.

House Testimony

From: Louis D. Rogers [louisrogers@hawaii.rr.com]
Sent: Thursday, October 25, 2007 7:18 AM
To: House Testimony
Subject: #0188 support for hawaii superferry

#188

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 Louis D. Rogers and I strongly support hawaii Superferry. The Operation of a ferry system is a long overdue necessity as far as transportation is concerned. Not to mention, the jobs that it would create. This is apparently evident, due to the 300 plus former employees that lost their jobs in the past month. On the other hand, it would create revenue for the state in the form of taxes. It is also, a means of controlling the monopoly that the other barge companies have in the shipping industry. And of course, speaking of monopolies, the airline industry needs a wake up call also. By this, I mean with their ever increasing rates and shutting out any other competition by what ever means necessary.

The Superferry would afford people like myself the opportunity a means of leisurely traveling between islands. Therefore, visiting family, friends, and otherwise creating possible business ventures outside of Oahu. And of course, being able to drive your personal vehicle is most attractive and affordable. Thank you very much.

Louis D Rogers

91-781 Oama Place

Ewa Beach, Hawaii 96706

(808) 689-8202

10/25/2007

House Testimony

From: Victoria Lewin [vl@ofcstudio.com]
Sent: Thursday, October 25, 2007 6:14 AM
To: House Testimony
Subject: #0189 Testimony in OPPOSITION to Special Session

#189

10/25/2007

Testimony to the Hawai'i State House of Representatives against HB 1.
Please make copies for the legislators.

Please do not allow the superferry to run until an EIS is finished. My family has lived in Hawai'i for over 30 years, we've had 10 children including nieces and nephews attending the Hawai'i public schools. What message are they getting when you allow a powerful rich corporation to have so much influence while we the people who believed in the LAW have not been heard until the very last minute when we read in the paper that this is already a done deal. This special session to bail out a mainland company and overrule the court hurts our state and tears our communities apart.

Please do the right and just thing and make the superferry obey the law.
Please restore our children's and our faith in Hawai'i state government.

Victoria Lewin
717 191st Place SW
Lynnwood, WA 98036

House Testimony

#190

From: eM [emnaulu@gmail.com]
Sent: Thursday, October 25, 2007 8:17 AM
To: House Testimony
Subject: #0190 Relating to Transportation - Hawaii Superferry.

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

HB 1 RELATING TO TRANSPORTATION

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

Dear Chairs Souki and Oshiro:

My name is *Emeline Fononga Vainga Naulu*, and I strongly support Hawaii Superferry.

I feel this way because I believe that the Hawaii Superferry, will bring great success into the islands. Tourism, is a very big resource for Hawaii, so this will ONLY add to the list of things for transporting and touring around the islands. I heard that the Hawaii Superferry was UP for a testing period, in which we will try it out for a while; I don't see any harm in that, and how will we know it's dangers if we don't give it a try. Hawaii Superferry will help many people of the islands to go to and fro with their own vehicles and stuffs, when visiting their families or migrating for work purposes. I believe that the Hawaii Superferry will contribute to the Hawaii residents and tourists in many ways, which will build our interest in touring the islands.

Emeline Naulu
Mamalahoa Highway, Holualoa, HI 96725
808-430-1320

10/25/2007

Registration No. _____

**This person has signed up to testify.
No written comments were submitted.**

First & Last Name Peter Kirov

Organization
[if applicable] SUNSET Rotary Club

Contact
[phone or email] pepisoccer@hotmail.com
(206) 853-8733

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: My Name DAVID DINNER _____ (Your
 Signature) _____



My Address

Tel 808 634 7845

Email gentlewave@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
 29 conditions proposed by the Maui delegation
 (based on the court
 testimony during the recent trial.)**

#192

1000 FRIENDS OF KAUAI

Dear Legislators

I am making comments as the President of 1000 Friends of Kauai and thank you for the opportunity to testify. 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 supporters of the Superferry 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. Don't you wonder if this is the kind of business that the state should be welcoming. How can we ever monitor the activities of the ferry to know that they are abiding by any conditions that are placed? 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 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. The law is clear: do the 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.

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

P.O. Box 223177, Kauai, HI 96722

10/23/07

House Testimony

From: Makahasun@aol.com
Sent: Thursday, October 25, 2007 5:56 AM
To: House Record
Subject: Superferry Testimony

#193

Aloha,

I support the Hawaii Superferry because it has raised the bar in inter-island travel for passengers and vehicles. In short, there is a preponderance of ignorance driving the emotional outcries we keep hearing in opposition. Please raise the bar and approach this situation with facts, logic and common sense. Move forward from the line that has already been drawn and cease beating the dead horse.

In considering my support, you may refer to the following reasons:

1. From what I can determine, it is the most environmentally designed ship that sails in Hawaiian waters.

- a. It is a zero eject ship, discharging NOTHING into the ocean. (If you've ever been to sea and observed the "standards" in reality of most ocean-going vessels, you would be amazed at their lack of environmental concern in terms of actual practice.)
 - i. Since it is a **NO SMOKING** vessel, not even cigarette butts go into the ocean. It may be the only ship on the Hawaiian seas to accomplish that. "Cigarette butts are the most common form of plastic litter on the beaches of the U.S. and world-wide. Toxic chemicals can leach out of the cigarette filters." (<http://www.longwood.edu/cleanva/ciglitterarticle.htm>)
 - b. Its hulls are treated with a special coating of non-toxic silicone so as not to accumulate detritus that could be transported between island environments.

2. The Hawaii Superferry (unlike other ocean transporters or inter-island air carriers) practices the following to restrict the transport of invasive species:

- a. Most thorough screening of cars to be transported.
- b. Conducts agricultural screening of every inter-island passenger.
- c. Opens vehicles' and looks into the wheel wells and under the bumpers and other compartments.
- d. Rejects muddy vehicles.
- e. The crew of the ship & port staff have received extensive training on invasive species.

3. The Hawaii Superferry is conscious and aware of the potential impact of vehicular traffic embarking and disembarking from the ferry. They have:

- a. Implemented a vehicle and management plan based on traffic studies
- b. Revised arrival and departure schedules to avoid the busiest traffic times to minimize impacts.
- c. Allows for early arrival, lessening short-term traffic impact.

4. For residents pointing to the vehicular traffic increase on their respective islands, they need to get the facts before they make an issue of it:

- a. What has the percentage increase in vehicular traffic since Go! Airlines came to the islands bringing an airfare war, creating a marked increase in inter-island travel? That needs to be factored in.
- b. In addition, the number of vehicles traveling on the ferry, embarking and disembarking, will include residents of the respective islands – the vehicles will not just be "interlopers". The number of vehicles daily impacting each island is a combination of outer island travelers and Oahu travelers. The outer islands are not being "invaded" by vehicles from Oahu. Vehicles will be traveling FROM the outer islands to Oahu also. It is not just a one-way path from Oahu to the outer islands.

10/25/2007

c. The ferry will also be carrying vehicles a number of the vehicles traveling will be for the transport of goods and services. These incoming vehicles potentially will be offset by less vehicular delivery traffic carrying goods from other ocean-going vessels or freight carried by the airlines offloaded to trucks for delivery.

5. The Hawaii Superferry is a service for local people – to travel personally, and for their business use. The company also employs local people and if the ferry sails, and grows as its business plan projects, many jobs will be provided. Additionally, the ferry provides cost-effective transport for inter-island businesses and their products. The airfare war cannot continue indefinitely.

6. Finally, this business needs to be acknowledged as the environmental bar to which all existing transport businesses should be held. If people are really concerned about their environment, restrictions need to be imposed on the airlines and all ocean-going vessels, transporting passengers, goods and vehicles:

- a. Are those cars transported by other modes clean and inspected?
- b. Are the crew and passengers on the other forms of transportation questioned as to their potential detrimental impact on our environment?
 - i. Have they been hiking, where they might have picked up invasive species?
 - ii. Have they been fishing and cleaned their gear?
 - iii. Have their backpacks been inspected?

Mahalo for the opportunity to provide input.

Ann Cosson,
Thursday, Oct. 25, 2007
6:00 AM

See what's new at AOL.com and [Make AOL Your Homepage](#).

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



Name of person submitting testimony: Kat Brady for myself
I will be presenting oral comments
Contact #: 927-1214

#194

COMMITTEE ON TRANSPORTATION

Rep. Joe Souki, Chair
Rep. Scott Nishimoto, Vice Chair

COMMITTEE ON FINANCE

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

Date: Thursday, October 25, 2007
Time: 9:00 a.m.
Place: State Capitol Auditorium

Aloha Chairs Souki and Oshiro!

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

A special session for the superferry is BAD public policy:

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

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

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

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

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

Fifth, even contemplating weakening Chapter 343 - the environmental impact statement law - is an affront. Decades ago, policymakers were wise enough to see that protecting Hawai'i's environment was

crucial to the life of her people. This law has served us well and has helped decisionmakers at state agencies make more informed decisions about proposed projects. Everyone benefits when the impacts are assessed. If a developer balks at looking at the potential impacts, that should be a red flag indicating that more analysis needs to be done

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

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

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

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

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

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

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

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

Business is more important than the people:

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

The superferry has abused the Aloha Spirit law:

[§5-7.5] The Aloha Spirit.

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

Akahai, meaning kindness to be expressed with tenderness;
Lōkahi, meaning unity, to be expressed with harmony;
`Olu`olu, meaning agreeable, to be expressed with pleasantness;
Ha`aha`a, meaning humility, to be expressed with modesty;
Ahonui, meaning patience, to be expressed with perseverance.

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

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

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

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

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

The proposed legislation unravels decades of environmental protection:

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

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

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

Hawai`i's reputation at risk:

I agree. Our reputation has been tarnished. People around the world can't believe that Hawai`i has so little regard for its environment. People from Tahiti and Moorea know the damage that has been done by fast ferries in their areas. They want to help us understand that if we ignore environmental consequences it will be at our own peril. They know about invasive species. Their native forests have been decimated

by miconia. This is not an environmental threat. It is a sad environmental reality. Hawai'i is the endangered species capitol of the world, why would we threaten what's left?

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

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

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

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

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

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

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

Don't be fooled by the lyin' kings:

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

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

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

The task force:

A thirteen member task force is shibai. The first 5 members are superferry cheerleaders - the one voice crowd + the president of the superferry. The speaker of the house, whose son worked for the superferry and is a big supporter, gets to pick 4 people, 1 from each county including at least one environmentalist, one person knowledgeable in Hawaiian culture, and one business person. So that is now 9 members of

#194

the task force that support the superferry. Even if the senate picks 4 good people who are knowledgeable and independent thinkers, those folks will be seriously outnumbered. So the task force is meaningless, in my humble opinion.

This is NOT AN EIS:

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

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

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

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

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

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

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

NO BILL

NO SPECIAL FAVORS

Mahalo for this opportunity to testify.

House Testimony

#195

From: Francine [fran_endrina@yahoo.com]
Sent: Wednesday, October 24, 2007 10:53 PM
To: House Testimony
Subject: #0195 Testimony for Hawaii Superferry

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

HB 1 RELATING TO TRANSPORTATION

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

Dear Chairs Souki and Oshiro:

Aloha, my name is Francine Endrina Costales and I was born and raised on the Island of Lana'i. I am employed by Hawaii Superferry, and proudly so. I strongly support the Hawaii Superferry and I humbly beseech you to approve the Bill before you to allow the Superferry to operate while the Environmental Assessment or Impact Statement is prepared.

I have an 18 year old son who is in higher education, majoring in Marine Biology. My husband has esophageal liposarcoma, a form of cancer affecting his esophagus, and has been home-bound for the past 7 years. He is unable to travel by air carrier because the pressurization adversely affects his ability to breathe. Travel by Hawaii Superferry will allow him the ability to again accompany me to visit family and friends on Maui and even to Lana'i by connecting on the ferry The Expedition in Lahaina, on Kauai, and on the Big Island. Hawaii Superferry will contribute a positive effect to his quality of life.

It saddens me that there are people who feel compelled to stop the Hawaii Superferry from serving the islands of Hawai'i.

While growing up on Lana'i, my dad used to take me fishing with him all the time. I learned to tie a fish hook before I learned to tie my shoelaces. When I was about 6 or 7, I was really missing my older sisters, who had left home to attend college on Oahu or on the mainland, I remember telling him one night while fishing, "I wish there was a bridge that connected the islands so that we could go visit them any time". My dad's response to me was, and I recall as though he was here speaking to me now, "You just wait, because some day, there will be a bridge...or a way for you to go to any island and visit anytime you want...you no have to fly...and it will bring all people of all islands together."

When I first learned of the Hawaii Superferry, nearly 3 years ago, in my heart I knew it was right. I knew this is what my dad referred to years ago and this was right for me and for others who were also feeling the yearning of being closer with other relatives by being given the choice to travel by ship, rather than fly. My passion stems from the emotional pangs I experienced as a child. My passion stems from words of my father some 45 years ago. My passion stems from instinctive and wise decisions as a mother and as an adult.

The environmentalists seem not to have done any research on how the Superferry was built, and the immense amount of time and research that was afforded in its inception, including the special paint used on the outside that prohibits diseases, barnacles, and invasive species from clinging to the ship. And did you

10/25/2007

know that the interior of the vehicle deck was also painted with a special paint that "disinfects" vehicle tires that naturally rids them of any invasive species from being transported between islands? And this is a fact that neither NCL, Matson or Young Brothers uses that type of extensive care and concern on any of their ships either! All of the vessel's positive qualities were documented by the National Geographic during the Alakai's inception. So why is Hawaii Superferry being singled out as being "bad" for Kaua'i and Maui? During the Test Runs and the first sailing into Nawiliwili, there were only LOCAL people on the ship. Not thousands of tourists as the NCL ship brings to Kaua'i and Maui weekly.

The Superferry is being labeled as a "threat" to bringing "irreparable harm" to "their" island's environment. Yet, these are simply threats with no substantiation and no proof that the Superferry WILL do these bad things. How can one make these allegations when other companies using the same ports and traverse the same ocean routes need not operate by the same rules and guidelines? Oh, you say its because they are grandfathered to not have to be held to conduct an EA or EIS since they were in business BEFORE the law? Think about that...its like me telling my older adult daughter that the DUI law doesn't apply to her because it was put into law long after she became of drinking age! Heaven forbid!

I truly believe in my heart that the Superferry is good for the State's economy. We live in the 21st Century.....not back in the 1960s. We move forward. THIS change is good for the State...as ferries are used and a profitable and viable business that enhances the economy in other states and countries throughout the world. We need to now embrace this change.

The Superferry will *help* the future of the entire state and serve the local people of Hawai'i.

The Superferry will be **THE help** during times of natural disasters and will be able to assist quickly.

The Superferry will **continue** to be good for my grandchildren and and their children's children long after we are gone. Do not rob them of this progress.

I support the Hawaii Superferry with every ounce of my island-born blood.

Mahalo for your time, for listening and for the opportunity to present my testimony.

Francine Endrina Costales

(I DO PLAN TO SUBMIT IN-PERSON COMMENTS)

Email: fran_endrina@yahoo.com

Ph: 808-284-7187

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around

<http://mail.yahoo.com>

House Testimony

From: wardgraessle@hawaii.rr.com
Sent: Thursday, October 25, 2007 8:51 AM
To: House Record; House Record
Cc: House Testimony; House Testimony
Subject: #0196 Superferry support

#196

Dear Legislators,

Please don't let the c.a.v.e. people (citizens against virtually everything) kill off another good idea. Go ahead and pass a bill (with oversight and monitoring) that will allow the Superferry to operate. It can be done without jeopardizing our lifestyles. Scold the Lingle Administration for blowing it if you have to, but find a way to let them operate. Kauai and Maui already have gridlock, I know this from every time I've rented a car while there working! Whether I take my own car or rent one, there is another car on the island the day I'm there! Am I no longer allowed to go work or visit friends and relatives unless the neighbor-island residents give me permission? Coqui frogs and other invasive species have been hopping rides in trees and plants on barges for a long time. Superferry doesn't have a monopoly on these issues, heck they aren't even contributing to those problems yet, but they sure seem to be the only boogeyman. It simply isn't fair. Please pass a bill that gives Superferry a chance.

Thank you for your consideration.

Ward Graessle
Kahaluu

House Testimony

From: Robert H [hirayasur001@hawaii.rr.com]
Sent: Thursday, October 25, 2007 8:58 AM
To: House Testimony
Subject: #0197 Superferry

#197

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 Vanelle C. Hirayasu and I strongly support Hawaii Superferry.

The ferry is a good thing for the people of the State of Hawaii and should not be tied up just because a very small minority dont like it.

The majority of the people of Hawaii want the ferry and those opposed are only a small minority with dirty tactics and shouldn't be rewarded for their bad behavior.

Vanelle C. Hirayasu

1262 Onioni St.

Kailua, HI 96734

808-262-4502

10/25/2007

House Testimony**#198**

From: RAYNEREGUSH@aol.com
Sent: Thursday, October 25, 2007 9:24 AM
To: House Testimony
Subject: #0198 HB1 - Relating the the Superferry - Testimony in Strong Opposition

TO: Rep. Joseph M. Souki, Chair; Rep. Scott Y. Nishimoto, Vice Chair - COMMITTEE
 ON TRANSPORTATION
 Rep. Marcus R. Oshiro, Chair; Rep. Marilyn B. Lee, Vice Chair - COMMITTEE
 ON FINANCE
DATE: Thursday, October 25, 2007
TIME: 9:00 a.m.
PLACE: Auditorium State Capitol, 415 South Beretania Street
COPIES: Please distribute copies to House members

TESTIMONY IN STRONG OPPOSITION to HB 1 Relating to Transportation/ Superferry

Dear Legislators:

I am deeply concerned about the proposed bill. The current environmental protections afforded in HRS 343 should not be compromised or changed during the special session. In light of the Supreme Court decision, the Superferry must not be allowed to operate prior to conducting an environmental assessment.

To state the obvious --- what may be good for the 900,000 people of Oahu is not necessarily good for the 60,000 resident of Kauai. Outer island residents are the true stakeholders because they have the most to lose. It is their economic, environmental and social foundations being put at risk for "irreparable harm".

Passing any form of this bill will result in more litigation challenging its lawfulness and constitutionality. **"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).**

State and county enforcement agencies already face more challenges than they can realistically handle. Combined with accelerated population growth, failing infrastructure and controversial development on the neighbor islands, the Superferry will exacerbate these problems. It may also trigger the Perfect Storm of social unrest.

Calling a special session to address the concerns of the people in the outer islands would be more appropriate than racing at breakneck speed to unravel thirty years of comprehensive environmental protections. The bill is neither fair nor balanced. The only proposal with merit is to conduct an immediate investigation of the administration's error in granting the exemption.

Please do not allow special interests to prevail. This vessel must not operate without a thorough

10/25/2007

and uncompromised EA conducted by a neutral third party.

Respectfully submitted,

#198

Rayne Regush

5743 Koali Street, Kapa`a, Kaua`i, Hawai`i 96746

See what's new at AOL.com and [Make AOL Your Homepage](#).

Registration No. _____

**This person has signed up to testify.
No written comments were submitted.**

First & Last Name Patty Hustace

Organization
[if applicable]

Contact
[phone or email]

545-1089

200

Registration No. _____

**This person has signed up to testify.
No written comments were submitted.**

First & Last Name Gregory James McHugh

Organization
[if applicable] Hawaii Superferry

Contact
[phone or email] 265-1693