

testimony

HO

From: Jennifer Homcy [jenhomcy@aol.com]
Sent: Sunday, October 21, 2007 11:35 AM
To: testimony
Subject: Do not change the law

Aloha Legislators

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws. This corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

I emulate the previous testimonies given, and want to iterate that we can not make exceptions for one without setting a precedent for others in the future. Once an exception is made, this opens the door for future requests for exceptions. Please protect the resources that we have rights to, and that future generations have rights to.

Poor decisions were made from the beginning regarding this investment. I have heard developers say that "It is easier to beg for forgiveness than to ask permission." That is exactly what has happened here. We do not forgive intentional mistakes. This was blatant intent, and the consequences were clear. Now that the consequences are here, why should we forgive these blatant acts? You represent the people of this beautiful state, and it is your obligation to protect our interests and resources. I trust that you will do just that.

Jennifer Homcy
66-219 C Kamehameha Hwy
66-219 C Kamehameha Hwy
Haleiwa, HI 96712

testimony

NO

From: Nancy Merrill [merrilln001@hawaii.rr.com]
Sent: Sunday, October 21, 2007 11:10 AM
To: testimony
Subject: SuperFerry

This testimony is directed to the special hearings held on Kauai on Sunday, October 21, 2007 at 2:00 p.m. and to the special session of the Hawaii State Legislature on Wednesday, October 24, 2007. I would like this testimony presented to the Committees on Judiciary and Labor, Transportation and Internal Affairs and Energy and Environment.

I want to add my number to the many on Kauai who object to the way the SuperFerry has been forced upon us without due process. I have copied a quote from the newspaper here that states my opinion exactly,

"...the law should not be bent or changed just to suit the current whims or sentiment of some people, even if they are the majority of people.

The law is intended to apply to all people, the minority as well as the majority. The ranks of the majority and minority constantly shift with each new issue. If each time the majority feels justified to change the law to suit its purposes and wishes, we are reduced to a nation of men, not of law. The law then ceases to protect the minority.

On one issue or another and at one time or another, we will all find ourselves in the minority. It will be a terrible blow to our confidence in our system of government if, as a minority, we felt that the law will not protect our interests because the majority could whimsically change it to suit itself at any time."

The anger we feel is generated by several issues:

1. The special consideration offered the SuperFerry by the Governor. Even a bike path on Kauai involves an environmental assessment. This apparent preference for the benefit to business interests at the expense of the people it impacts is very troubling.
2. The focus on the potential benefit to residents of Oahu. Yes, they want to come to Kauai because it is still very different from Oahu. What a great vacation! But they forget that by coming here and bringing their cars, surfboards, hiking boots with Oahu weed seeds embedded in the soles, gear for camping on our beaches, and plants grown and products made in Oahu they are impacting our environment and gradually changing it to be more like Oahu. We want Kaua'i to stay Kaua'i for as long as possible.
3. The apparent view of our lawmakers that they are above the law. It should not be possible for our elected officials to change a law just because it is not convenient. What if we all decided that the speed limits or tax rates were inconvenient? I'm sure we would not be allowed to change those laws to please us.
4. The possible unintentional (or even intentional) introduction of invasive species during the time the environmental assessment is being done. The one that concerns me the most is the mongoose. I can see someone thinking this would be a great prank to play on Kaua'i and bring a pair over in their car. They could easily be brought in a picnic basket. We have many more native birds here because of the absence of the mongoose. I enjoy the sound of nene flying over my house in Princeville on a regular basis. Once the introduction is made, it cannot be undone. This possibility needs to be addressed in an environmental assessment BEFORE the SuperFerry sails to Kaua'i again.

Every day we learn more about how our activities impact the environment. When will we learn that the time to act is NOW? Overturning a law intended to protect our environment is taking many steps backward just at the time we should finally be putting the environment first before all other considerations.

Respectfully submitted by,

Nancy Merrill
P.O. Box 821
Hanalei, HI 96714
808-826-7748
merrilln001@hawaii.rr.com

testimony

N/O

From: dorothe perry [dorothe.perry@hawaiiantel.net]
Sent: Sunday, October 21, 2007 9:52 AM
To: testimony
Subject: SuperFerry meeting on Kauai Oct. 21

Dear State Legislators,

Please do not create a special meeting to over turn the court's decision that the Super ferry must have an EIR before it can run in Hawaiian waters. It is incredible that the legislator would decide to over turn this very basic decision. How the Super ferry ever was approved without an EIR is another sad situation. Kauai is already at a breaking point regarding roads and infrastructure but the development goes on, how in good conscience could you create more of a mess for we who live here on Kauai. This does not even touch upon the environmental issues that beg to be noticed in this situation.

Please abide by this court ruling.

Mahalo

dottie perry

Please make a copy for all the legislators who will be at this meeting

Yes

testimony

From: Whimzee325@aol.com
Sent: Sunday, October 21, 2007 11:04 AM
To: testimony
Subject: Hawaii SuperFerry Meeting Maui

To: COMMITTEE ON JUDICIARY AND LABOR,
COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS,
COMMITTEE ON ENERGY AND ENVIRONMENT

Re: Hawaii Super Ferry Public Meeting
Baldwin High School Auditorium (Maui)
October 22, 2007 (Monday)
3 p.m.

Provide: Six (6) Copies

Aloha,

I just wanted to let you know that I support the SuperFerry whole heartedly. The ferry gives us all an alternative to the to major airline carriers for travel and Y.B. for freight. It would work well for those who need to ship perishable goods and those who provide services to neighbor islanders also would provide emergency alternatives transportation should a hurricane or tsunami hit the state again. This alone should be worth allowing the SuperFerry to operate. Another thing that I would like to address is the people who are testifying against SuperFerry Do Not represent our opinion, And I am very upset that the Pacific Whale foundation would be out there testifying as they have hit several whales and killed a child. I also feel that most of the people who are against SuperFerry are not representative of the local population but are loud opinionated transplants who are dividing the community and have No sense of aloha.

Aaron Kikugawa
187 Alohi Place
Pukalani HI 96768

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10/22/2007

testimony

Yes

From: Whimzee325@aol.com
Sent: Sunday, October 21, 2007 11:05 AM
To: testimony
Subject: Super Ferry Meeting Maui

To: COMMITTEE ON JUDICIARY AND LABOR,
COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS,
COMMITTEE ON ENERGY AND ENVIRONMENT

Re: Hawaii Super Ferry Public Meeting
Baldwin High School Auditorium (Maui)
October 22, 2007 (Monday) at 3 p.m.

Provide: Six (6) Copies

Aloha

I would like to state my support of the Hawaii Super Ferry for the island of Maui. I may or may not attend the meeting here depending on the crowd. It has been embarrassing to see the behavior of the anti-ferry people, they have become downright scary. I'm even beginning to wonder if these people even live here, reminds me of some of the protesters during the World Bank Conferences around the world. Local people just don't act like that.

When my son moved to Oahu to go to college at the end of summer, we were going to move his things in my husband's truck on the ferry. Unfortunately, the ferry was stopped here and we had to rent a G-Van through Young Brothers. We shipped on Monday and didn't get access until Friday! Imagine, if we went through the ferry we could have shipped and delivered all on the same day. It's a little thing, but it makes Oahu a little closer and little more convenient.

We all looked forward to ride the ferry and it's unfair for a small group of individuals to take that privilege away. We should be given a chance to choose and then make the decision on our own on how we want to travel. Also, what type of environmental studies have been done by the cruise lines that frequent our islands?

Mahalo,

Wendy Kikugawa
187 Alohi Place
Pukalani HI 96768

See what's new at AOL.com and Make AOL Your Homepage.

10/22/2007

No

testimony

From: DEBBIE FRIEDMAN [djfbsk@yahoo.com]**Sent:** Sunday, October 21, 2007 10:59 AM**To:** testimony**Subject:** informational briefing today on Kaua'i

Aloha to all of the committees involved in today's briefing: JDL, TIA, & ENE, I strongly believe that in this case regarding the Superferry, that there should be no senate bill allowed. The Superferry and our governor have shown total disregard for the law and continue to do so by pressing on for more special treatment. Our environmental laws, which are minimal at best, are in place for good reason. To keep giving the Superferry anything it wants and disregarding the law and the voices of the outer islands is just so corrupt and sets a bad example. It is 3 islands to 1 that want the Superferry to obey the law and conduct the EIS before allowing ferry service to begin. O'ahu may have the most population, but should that "majority" win in an issue that involves integrity and possible harmful effects for the outer islands and for O'ahu as well?? I believe our governor should admit that a mistake was made in allowing the exemption in the first place, and apologize to the people of Hawai'i and the bigwigs of the Superferry and just move on before a bigger hole is dug and the web of deceit grows larger. The governor needs to just tell the Superferry to conduct the EIS before it begins service and redeem herself. Mahalo for your time, Debbie Friedman po box 968 Kalaheo, HI 96741

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<http://mail.yahoo.com>

10/22/2007

testimony

No

From: Cal Lewin [cal@ofcstudio.com]

Sent: Monday, October 22, 2007 9:12 AM

To: testimony

Subject: TESTIMONY TO THE HAWAII STATE SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS FOR OCTOBER 22, 3pm

TESTIMONY TO THE HAWAII STATE SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Public Hearing 3PM, Monday October 22, 2007, please provide 5 copies for the legislators present.

Submitted through the Legislator's Public Access Room

Thank you for this opportunity to submit written testimony. I oppose a special session for the superferry for the following reasons:

1. The proposed legislation benefits a mainland owned company, not a Hawaii company. The superferry will compete with Hawaii owned passenger transit and shipping companies, costing jobs in Hawaii and costing Hawaiian owners and investors.
2. Making the superferry company wait for an EIS will not put them out of business or deprive Hawaii of a state ferry system. In the worst case, the first ship Alakai will be sold and leave Hawaii, but the superferry company has a second ship under construction that would be ready for service in one year, after the EIS is completed. The company has plans to build up to 5 ships.
3. The legislation would set a terrible precedent, allowing a business to avoid the Hawaii Environmental Protection Act. This law is fundamental to protect Hawaii's most important industry, tourism, which depends entirely on Hawaii's beautiful environment to compete in a world marketplace. By setting this bad precedent, you open the state to legal challenges from every business that wants to avoid the EIS process.
4. The superferry will not benefit most Hawaiians because the current fare is too high: A family of 4 taking a round trip with their car will pay \$588 or \$757 (depending on date of travel).
5. The superferry will have to raise rates soon, because they will lose money based on the cost of \$650,000 per week they testified to in court, which does not include fuel costs. When fuel cost is added, the cost of operating the superferry is more than the fare revenue they will collect. They will be forced to raise rates almost immediately. The superferry will not provide a cheaper alternative to air travel.
6. Travelers will find the superferry is inconvenient: by the time people wait in a long line of cars, board the ship, travel for several hours, and disembark in heavy traffic, they will have spent most of a day getting there, and that's assuming it runs on time.
7. The superferry will not help small local businesses, in general it will allow large business another way to ship goods that will compete with small businesses. This will further chip away at the ability of small Hawaiian businesses to survive and provide employment.

Please think first of Hawaii's overall economy, jobs and environment, and put the profits of a mainland owned business second.

Respectfully submitted,

Cal Lewin, a past and future resident of Hawaii
717 191st Place SW, Lynnwood WA 98036

10/22/2007

testimony

From: claire Sanders [clairecenter9-2politicians@yahoo.com]
Sent: Monday, October 22, 2007 9:50 AM
To: testimony
Subject: It is crucial to uphold and respect our environmental laws

Aloha Legislators

It is crucial for the future of the most remote islands this earth has to upholding our environmental laws. The Superferry corporation does not have the right to be exempted from its legal obligations to assess the likely harms of its actions before they occur. Now is the time to take a stand and not allow this dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

Reasons I feel so strongly that it is crucial to uphold Hawaii's current environmental laws:

- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment. **THIS IS NOT ACCEPTABLE!**
- Hawai'i's EIS law was created to ensure crucial protection for Hawai'i's irreplaceable natural and cultural beauty. With the heavy economic dependence the islands have on tourism, these elements must be preserved in order to create economic stability in the current system.
- The proposed legislation to exempt the Superferry from its obligations under the law is too lax. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books: why? Proposed conditions on the operation of the Superferry fail to address legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- Hawai'i's EIS law provides a rare opportunity for public hearings; public participation is essential to a well-functioning democracy. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.
- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which all businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly.
- Strong protection of public trust natural and cultural resources depend on upholding the law. Laws that are not upheld or enforced are shibai and useless!
- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete

environmental review will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption now will not.

Mahalo nui loa, and please defend Hawai'i's already threatened environment and natural beauty by upholding the EIS.

claire Sanders

74-5602 alapa St. #350

DO NOT SHARE OR SELL THIS ADDRESS PLEASE Kailua Kona, HI 96740

testimony

No

From: Sharon Britt [olashanalei@hawaiiantel.net]
Sent: Monday, October 22, 2007 10:02 AM
To: testimony
Subject: Hawaii State Legislator Accept public input on Superferry- Kauai Oct. 21

October 21, 2007

Hawaii State Legislator Accept public input on Superferry Kauai
Sunday October 21, 2:00 PM

Dear Senators Committee on Judiciary and Labor,

As a business owner in Hanalei for 25 years, I would like to express a mutual feeling among our special return customers that we talk to daily. Not only is the super ferry a threat to our already fragile rural Island, it is a threat to our business. We are killing the beauty and rural way of life that has made us one of the most special places on earth to come and visit.

After listening to our visitors this summer encouraging us to stand up against the ferry, we know they will go elsewhere. What brought them to our island will not exist here any more and this is a Huge impact. We have heard testimony from people around the world this summer, talking about how similar ferries have come to their town and changed their towns forever. We had a visitor from Italy and one from Friday Harbor both morning their once rural way of life. These people encouraged us to stand up and be heard. I am here representing myself and these unique visitors that are special to us.

A rural lifestyle is our main attraction, we are loosing this and it is not good for business.

If there is a special session to be had, I do not feel it should be for this one business. Lets have a special session to find out what has gone wrong with our State Of Hawaii and neglected schools, highways and parks.

Doug Britt
P.O. 175
Hanalei, Hi. 96714

10/22/2007

testimony

NO

From: Don and Sally Wilson [wilson.family7@hawaiiantel.net]
Sent: Monday, October 22, 2007 9:56 AM
To: testimony
Subject: Superferry testimony

To:
 Senate Committee on Judiciary and Labor
 Senate Committee on Transportation and International Affairs
 Senate Committee on Energy and Environment

From:
 Sally Borys Wilson
 6435 Makana Rd., Kapaa HI 96746
 Mailing - P O Box 3143, Lihue, HI 96766
 (808) 821-0579

Re:
 Kaua'i public hearing Sunday, October 21, 2 pm, King Kaumuali'i School

Aloha Senators -

Thank you for coming to Kaua'i yesterday.

My husband and I have lived and worked here for 31+ years; our two children were born and raised here. I am a piano teacher. I did not speak at the hearing yesterday, though I attended and stayed till past 7 pm. Frankly, public speaking terrifies me. However, I did wish to present my views to you. I have two main points.

Re: EA/EIS

1. It astounds me that the State Administration and others can speak of the Superferry being good for our economy. Our island economy, for better or worse, depends on tourism. Whether we are nurses, janitors, accountants, hotel workers, construction workers.... everyone depends on maintaining our island environment so that visitors will continue to want to experience Kaua'i. The only way to assure that new projects do not have irreversible negative impacts on that environment is to DO AN ASSESSMENT FIRST. Then solutions can be found to mitigate those or find solutions to the problems that could arise.

But that is not just my opinion - it is the law! Though it was always obvious, it has been reaffirmed recently in the ruling by Judge Cardoza.

Re DRAFT LEGISLATION

2. Aside from my fervent request that the Senate insist on an EA/EIS prior to allowing the Superferry to come to Kaua'i, I believe that, should you actually meet on the proposed legislation, it needs to be drastically altered. The Administration either doesn't care one iota about the environment and our island welfare, or was bought off with campaign donations, or believes that a project like Superferry has no impact on a small island... most probably all three. AND, she believes her Administration is above the law.

Yet this is where the safeguards are going to come from while the Superferry runs? This is going to be the source of restraints and conditions? Please, if there is legislation (obviously intended to benefit only one company and not the public) regarding this issue, at the very least impose the 29 safeguards proposed by the environmental group on Maui. Please put some teeth into the legislation regarding infractions. And, do not put the oversight in the hands of those who sought to circumvent the laws in the first place. The Administration and the Superferry have proven themselves not trustworthy on the issues of our islands' environmental health.

In closing, I urge you to send a message to all companies and individuals who plan to do business in the State of

10/22/2007

Hawai'i -

If you wish to do business here you must follow the law.

Thank you

Laurie Pottish
2892 Iwalani St.
Pukalani, HI 96768
(808)572-0863 FAX (808)572-0863
pottishl001@hawaii.rr.com

No

TO: Superferry Testimony

FAX NUMBER: 586-6659 Date: Oct. 22, 2007

Number of Pages Sent : One (Including Fax Cover Sheet)

To Whom It May Concern:

I would like to express my vote that the Superferry NOT be allowed to operate BEFORE completion of the EIS. That is the law and should never have been overlooked in the first place.

Sincerely,

Laurie Pottish

Laurie Pottish

NO

Dear SIRS, I signed up to talk at informational meeting at King KAUMUALII School but did not get to speak as I could not stay that long. My name is KEN NAKAZAWA. I am 58 yrs old and have lived ON KAUAI for more than 30 yrs. My son, a 2007 Graduate of UH MAUI has a bumper sticker on his Truck. "Keep KAUAI KAUAI." I feel this will NEVER HAPPEN if you allow the Superferry to come to KAUAI.

All my local friends who have lived ON KAUAI as long as me or longer, and many who are born & raised HERE all do NOT want the Superferry to come to KAUAI. We want to keep KAUAI like MOLOKAI NOT like OAHU and MAUI. Please keep that MONSTER from coming to KAUAI. Thank you.

KEN NAKAZAWA
941 NIULANI RD
KAPAA, HI 96746

FAX 808 822 0025

Sunday Oct 21, 2007
2 PM King KAUMUALII School

TO: COMMITTEE ON ENERGY + ENVIRONMENT, TRANSPORTATION
+ INT AFFAIRS, JUDICIARY + LABOR

pg 1 of 2

yes

Sunday, October 21, 2007

Hearing: Maui, Monday, October 22, 2007

Number of copies required: One (1) for each committee member

I am submitting this letter to the following committees, to show my support for holding a special session of the Hawaii State Legislature to pass a bill to permit the Hawaii Superferry to remain in operation while an environmental assessment is being conducted:

Committee on Judiciary and Labor

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

Committee on Transportation and International Affairs

Senator J. Kalani English, Chair

Senator Mike Gabbard, Vice Chair

Committee on Energy and Environment

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

My name is Kathleen Fukushima. I'm a 33 year resident of Maui, and a 17 year retired airline employee. I am here to show my support of the legislature's proposed bill in favor of the Hawaii Superferry.

Today I am saddened to be part of a divided state and community over such unreasonable issues that have been raised by the opponents of the Superferry. Now these critics want to make sure that if this bill is passed that such restrictive measures are put on the Superferry and it's passengers that our visitors from other islands will not be able to move about freely and enjoy the natural resources that belong to every resident of Hawaii.

The DOA, due to shortage of manpower, has had to rely on the honor system for airline passengers to report any possible invasive specie they may have brought in. Other modes of transportation such as barges, cruise ships, and private boats have no policies in place to protect against invasive species. The increasing number of these vessels with their dangerous propellers, including the whale-watch boats which are traveling in densely populated whale areas, cause more irreparable harm to whales than the Superferry's jet propulsion system would.

I ask the Legislators today to look at the whale avoidance and invasive species policies the Superferry already has in place to prevent harm to our environment. The company will continue to study and train us in these areas as new information arises. Their training has been exceptional so far.

pg 2 of 2

Our environment is our biggest asset especially as it relates to our tourist industry. None of us want any harm to come to any part of it. I trust that the Legislators will listen and act according to what the majority wants, and I think the polls and the public support for the Superferry have made it clear where the majority stands.

I am proud to stand before you as not only a supporter of the Hawaii Superferry, but also as a part of a great team of people who have worked to make this a company that cares about the environment, it's community, and it's employees.

Kathleen Q. Fukushima
319 Liliuokalani Street
Pukalani, Hawaii 96768
Tel: 808 264-0536



KAUA'I
Chamber
of
Commerce

October 21, 2007

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

Honorable Senators:

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

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

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

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

RE: Relating to Transportation

Dear Senators,

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

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

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

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

Sincerely yours,

Randall Francisco
President

Yes

N/O

October 21, 2007

Testimony to the Hawaii State Senate

Re: Special Session for Super Ferry

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

Sincerely,

Laurel Brier
Anahola, HI
822-9224

Yes

RE: Inter-island ferry service

My name is Mike Ahn and I have been a resident of Kona since 1978. I was born on Kauai in 1950 and moved to Oahu in 1958 before coming to Kona. Through all of those years I have witnessed the many changes that have taken place in our State. Some have been good and some not. It seems that the common denominator in recent years is that with the influx of so many "new" residents the price of land and housing has kept many people born and raised in the islands from being able to afford to own a house. Many need to work at two jobs just to keep their head's above water. It seems that the Superferry would help make things for these hardworking people more affordable. Farmers, small business's and of course the blue collar workers could afford to take a trip and combine business with pleasure as well as being able to take one's own vehicle which would make it easier for many. Kona has had it's issues and from my perspective the vocal minority are the only voices that make the headlines. Many of our hard working residents are never heard as they are to busy trying to support their families. In Kona we call the vocal minority the NIMBY groups (Not in my back yard group). Many come from different parts of the country/world and can afford to protest everything without I feel due consideration for the silent majority.

I strongly feel that the Superferry is a good thing. The bottom line would be if no one uses it they took a gamble and will be the loser's. Let the people decide by seeing how many will take advantage of things that could be possible with it in service.

Respectfully,

Mike Ahn

Yes

RE: Inter-island ferry service

To the committee of:
Committee on Energy And Environment
October 23, 2007 3PM Hawaii meeting
also to other committee of interest.

Richard Akana
61-4126 Honouli St.
Kamuela Hawaii
October 20, 2007
96743

I and my family support the ferry option.

I believe the informational briefing are doomed.

Reason: Possible negative thinking of panel members who will evaluate the response from the public.

They should be replaced by people with and objective outlook on this subject.

Thanks for the opportunity to express my concerns
Richard Akana

Senate Sergeant-At-Arms Office. Fax 586-6659

Yes

Hawaii Superferry.

Do not choke; it is the right thing to do, so do it already.

There are no pearplelers on this craft to tear, the whales and dolphins will swim with it.

It is a great thing you are doing, please let it go and figure out later who is paying whom.

**With much respect
Pauline G Anglin**

RE: Inter-island ferry service

~~YES~~ NO

to the COMMITTEE ON JUDICIARY AND LABOR Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair (two copies)

Dear committee members,

Rome was not built in a day. Let's provide the islands with alternative transportation in the right, wise and responsible way.

Environmental impact studies open to public comments are the only way to do this. Whatever we do has repercussions way down the line, for everyone concerned, which is why it behooves us to take the time to study the issue and plan wisely. The governor, legislature and business owner, excited by profits and campaign contributions, rushed ahead, despite existing law. They knew full well that there will be a public outcry--they now have to accept the consequences of loosing this particular ferry and facing backlash at the polls. But the market (all of us) is there for future ferry business and it has the right to choose what business will serve it best! Please help us make the right, not the quickest, choice.

Thank you for your hard work.

Steve Perry, Michaela Mintcheff, Freeda Ardis
4584 Laukona st
Lihue HI 96766

NO

SUPERFERRY must get EIS first. Please enforce this requirement. This should not have been waived in the first place. Please make it right, so the project can proceed with PONO.

thank you very much,

Karen Joy Backinoff
PO Box 890, Kilauea
Hi 96754

Thank you .

Yes

My Take on the Superferry Fiasco
By Todd Benson

I read or skimmed the Hawaii Supreme Court's opinion dated August 31, 2007, which basically halted the Superferry's operations in Hawaii. Below are my conclusions and my conclusions only. These conclusions disturb me, because it would appear that the Justices have set a new standard for following laws. Not only do we have to follow the letter of the law, which is apparent and obvious, but now we must follow the intent of the law, which is often one's opinion. This makes Hawaii a nation of men, not a nation of laws, which means we are susceptible to tyranny and the abuses of our freedoms are just around the corner, if not already upon us. Below are my conclusions with citations directly from the Hawaii Supreme Court's opinions. I do not pretend to be a great legal mind, but I've come to some conclusions, that to me make sense of this whole mess.

The Hawaii Environmental Protection Act (HEPA) allows State Department's to come up with a list of exemption classes. Exemption classes are items or activities that can be exempted from environmental assessments because they have been determined to have minimal impact on the environment. Each agency has its own list of exemption classes that have been developed and known for many years. Each agency, in consultation with other agencies, can determine whether or not a project and its activities fits under these classes, thereby excluding it from the environmental assessment process. The Department of Transportation, after consulting with the Office of Environmental Quality Control, determined that no Environmental Assessment was needed at Kahului Harbor because all of the improvements they were doing fell under the following exempted classes. This is a judgement call that the executive branch can make according to the law passed by the legislature.

Pursuant to chapter 343, Hawaii Revised Statutes, and chapter 11-200, Hawaii Administrative Rules, the Department of Transportation has determined that the subject property will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment. The determination is based on the following Exemption Classes as listed on the Comprehensive Exemption List for the State of Hawaii Department of Transportation amended November 15, 2000.

The applicable exemption classes are as follows:

Exemption Class 3: Construction and location of single, new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of the same including but not limited to:

Item 3. Installation of security and safety equipment.

Exemption Class 6: Construction or placement of minor structures accessory to existing facilities.

Item 8. Alteration or addition of improvements with associated utilities, which are incidental to existing harbor and boat ramp operations, in accordance with master plans that have met the requirements of Chapter 343, Hawaii Revised Statutes. Such improvements and associated utilities include concessions, comfort stations, pavilions,

paving, rock walls, fencings, walkways, loading docks, warehouses, piers, offices, container freight stations, cranes, fuel lines, lighting, sprinkler and drainage system.

The Hawaii Supreme Court said the following in their ruling:

HEPA does not provide direct guidance as to what standards of review should apply to an agency's determination that a project is exempt from the preparation of an EA.

Therefore, this court must decide which standard of review to apply. Based on this review of the statutory framework and our caselaw, we conclude that the appropriate standard of review depends on the specific question under consideration. In general, agency exemption determinations that involve factual questions should be reviewed under a clearly erroneous standard.

Can you see the problem here? The executive branch is in a bind. They are given the power to determine when a project is exempted from an environmental assessment, but that isn't enough. They can be overruled, on a whim, by the unelected Hawaii Supreme Court because they determined that the State did not follow a part of the law that never existed: "HEPA does not provide direct guidance as to what standards of review should apply to an agency's determination that a project is exempt from the preparation of an EA." How can anyone follow a part of law that never existed? This is not the role of the Hawaii Supreme Court. Their role is to determine whether or not the law was followed as is. In this ruling, the Hawaii Supreme Court states that "the appropriate standard of review depends on the specific questions under consideration." Translated this means that whatever they say goes. Nobody can know the rules up front because it's up to them. Does that sound like a nation of laws? No. It's a nation of men and their opinions. This is a dangerous precedent, because it basically says that you should just go before the Supreme Court first before doing anything else, because they might overrule you after all the work is done and right before you will start business. It puts unelected officials in charge of this State.

In this opinion, the justices speak of the letter and intent of the law. What is meant by intent? It is nothing but the opinion of unelected justices. This makes Hawaii a state of run by men, not a state run by laws. Basically it is saying that the law is not enough, and that the interpreter of the law matters just as much. This is a recipe for a disaster for this state and for such projects as the Superferry. If a state agency, following the letter of the law, is overruled by a judge because the judge determines he is not following the intent of the law (whatever that is), then why have laws. If the justices, in their wisdom, seem to be able to divine intent, then let's get rid of laws and let's go with their intent. In fact, why don't we just run everything by the judges first just to make sure we are following the intent of the law. Can anyone see the absurdity of this position? Where is freedom for the people? We have basically created a committee of five kings to determine what we can and cannot do in our environment, the people's will be damned. The problem with this case is that the State thought they were following the law. In fact, they were following the law, but the justices determined that following the law wasn't good enough. They had to follow the intent of the law, whatever that means.

Another interesting word used in the this opinion is the "public interest". What exactly is this? It would appear that the "public interests" are clearly behind the Superferry. The ones opposed to the Superferry are a small group of environmental zealots, who believe that their belief system trumps the belief system of the majority. Their interests are not the public's interests, but are a "minority interest of environmental zealots" who oppose anyone using an environment they have not paid for nor have the right to control.

It is clear that the State agencies followed the law, but this was not enough for the environmental zealots and our benighted, enlightened court, so they invented a new way to interpret laws using the intent of the law argument. Why would anyone in their right mind do business in this state? They could be following the law completely, yet the Hawaii Supreme Court or any other court in Hawaii could side with environmental zealots and determine that the intent of the law was not followed. What is the intent of the law? It is nothing but someone's opinion. If we are not a nation of laws, then we are a nation of men. A nation of men is a nation of tyranny because noone knows how to act or what law to follow, for fear that some judiciary somewhere can overrule them at any time. This is scary stuff and tragic for Hawaii.

Todd Benson
1811 Bingham Street #414
Honolulu, HI 96826

NO

RE: Inter-island ferry service

I am opposed to a special session of the Hawaii Legislature to discuss special legislation for the Hawaii Super Ferry. The Hawaii Legislature should not be apart of the Attorney General's and Governor Linda Lingle's apparent attempt to over turn a final ruling of the court concerning the need for an EIS for the Hawaii Super Ferry to operate. This would be a violation of the separation of powers requirements under the Constitution. I realize that the public has seen a lot of the violation of public trust on the National level by the break down of our system of checks and balances. The Hawaii Legislature should set a good government example by saying, we uphold the courts ruling and we regret that Hawaii Super Ferry personnel may have been given incorrect info by the Governor's administration, but the EIS Law is the LAW and above all the aina is scared. I strongly oppose the introduction of a special senate bill to permit the inter-island ferry service while an EIS study is being done. The Hawaii Legislature's integrity is on line now. If the Hawaii Super Ferry personnel choose to go elsewhere, so be it.

Pat Blair, Kailua, Hi. 261-8499

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

NO

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

Dear honorable Senators:

I would like to first of all thank you very much for your time and efforts in listening to Kauai's voices at the public hearing held on Sunday. It pleases me to see that you are listening to both sides of this controversial issue. I am looking forward to attend Wednesday's hearing.

I am not against the superferry nor its operation here in Hawaiian waters. What I am against, is the superferry becoming operational PRIOR to an EIS being required by law. It further troubles me that our governor and the dept. of transportation has paid no real attention to what the law states, the courts' decisions and the fact that our governor is trying to amend the law for the sake of the superferry. It is very unfair and unlawful for such a thing to happen, especially considering what is at stake. We can always rebound from bad economic times but our environment is something that may never be repaired once we destroy it. This issue is not about Kauai vs. Oahu or other islands nor the people against each other. The real issue is that laws have been broken and that our environment is at stake. I have voted in every election since of age to vote. I have always selected the candidates that best serve the public and environment...not businesses. I am a small business owner here on Kauai and am proud of my hard work. It saddens me to see our tax dollars being spent on business such as the superferry when the law has clearly been broken. Please fix our corrupt system of politics. We cannot and must not put businesses ahead of the environment and the people. We can all co-exist peacefully, harmoniously with business and the environment...as long as we follow the laws/rules in effect to protect the both. Clearly, the superferry and our governor has not followed the law as we all are required to. Please don't create a quick-fix to this situation. It must be corrected via the law.

I humbly ask for your continued support of the voices of Kauai, our desperate plea to save our environment. If the superferry followed all laws as they were supposed to, I would be a strong supporter of that business entity.

Sincerely,

Jose R. Diogo
Concerned Kauai Resident

October 22, 2007
BIG ISLAND Superferry Public Hearing Testimony

NO

OPPOSING RUNNING THE SUPERFERRY UNTIL AN ENVIRONMENTAL
ASSESSMENT IS COMPLETED

Dear Legislators,

Three options now exist.

First option:

UPHOLD THE JUDICIAL RULING OF THE HAWAII STATE SUPREME COURT.

Our judiciary fulfilled their duty to uphold the law.

Second option:

PASS THE PROPOSED BILL TO MAKE A NEW LAW TO AVOID OUR
ENVIRONMENTAL LAW REQUIREMENTS

To propose a new law to circumvent our State's environmental law will undermine legal
protection of our environment.

This will set a precedent for weakening enforcement of environmental protection.

Third option:

PASS A NEW BILL THAT INCORPORATES ALL OF ISAAC HARPER'S
CONDITIONS FOR PROTECTING THE ENVIRONMENT IF THE SUPERFERRY
RUNS WHILE AN ENVIRONMENTAL IMPACT STATEMENT IS COMPLETED.

These conditions are born of our citizen's deep concern and dedication to truly protecting
our environment from damage, if our legislators decide business considerations overrule
environmental statutes.

THE PATH YOU TAKE WILL DETERMINE THE LEVEL OF ENVIRONMENTAL
PROTECTION FOR OUR ISLAND'S FUTURE.

The greatest good for the greatest number of people and children to come is preserving a
clean healthy environment.

Isolation and lack of access used to protect Hawaii's fragile ecosystems.

Technology has stripped away the isolation and now creates ever increasing access to ancient ecosystems easily destroyed by human impact.

The State's environmental law is supposed to protect Hawaii's environment from accelerating forces of development and human activity.

Environmental law mandates assessment of potential adverse impact BEFORE projects are begun.

To conduct an environmental assessment of adverse impact while a project is underway places our environment at risk. It doesn't make sense.

Therefore, I respectfully ask you to require the Superferry to complete environmental impact assessment before operating.

If political pressure outweighs legislative concern for our environment, then I ask that all of Isaac Harper's conditions be implemented in any Bill you pass that might allow the Superferry to operate before completing environmental risk assessment.

Sincerely,
Dore Dokos-Loewenthal
P.O. Box 503
Captain Cook, Hi. BIG ISLAND

yes

RE: Inter-island ferry service

Written Testimony Information Brief SuperFerry Bill Testimony Hearing 10/22/2007 Wailuku, 3:00 pm

Dear Senators,

I am support of the draft Bill if it will enable the Superferry to operate efficiently, it seems to be reasonable and addresses most everyone's concerns adequately before we have the results of and E A and EIS, and truly know what the impacts are and how to mitigate them. If there is anything in the bill that sets the SuperFerry up to fail at upstart I would like it removed!

The Superferry will facilitate the movement of goods and services between the Islands, promoting inter - Island commerce, and offering opportunities for local business people, enterprising entrepreneurs, and farmers etc. I believe that it will lower our cost of living as a result. It is imperative that we have this option. Especially with the announcement in todays paper of a 26% hike in rates from Matson and Young Brothers. These have had a near monopoly and uncomfortable control on our livelihood for too many years.

Shame on Young Brothers for not thinking outside the box and developing the SuperFerry themselves long ago, now that would have been a service to Hawaii. Not Status Quo keeping up their stodgy old ways.

I feel that many of those in favor are initimidated to show up at the hearings because the opposition is prone to booing and shouting down those in favor of the Superferry.

I fear that the hearings might just be a Circus. If I can get away from work to attend I will be there, and testify. I hope that you will manage the meetings so they are respectful and peaceful, and so that everyone can participate without fear of reprisal.

aloha
Tom Fairbanks
Wailuku Maui

RE: Inter-island ferry service

Superferry Special Session
Senate Judiciary and Labor, Transportation and Int'l Affairs, Energy and Environment

PLEASE VOTE AGAINST SPECIAL EXEMPTIONS FROM THE LAW FOR THIS BUSINESS

I am very much looking forward to riding the Superferry someday.

NEVERTHELESS, I respectfully urge you to VOTE AGAINST SPECIAL EXEMPTIONS FROM THE LAW FOR THIS OR ANY OTHER BUSINESS. There are far too many reasons to detail them all here. The most important one, though, is the deceit and duplicity of the Superferry and the Lingle administration acting in concert to undermine our most important environmental laws. Why in the world should the Legislature act to bail them out now?

In compromise after compromise offered, the Superferry and Lingle refused to cooperate, using the very same arguments three years ago as they are using today: An environmental assessment will mean the Superferry will lose too much money to stay in Hawai'i.

The Superferry and Lingle administration must not be absolved by the Legislature for the sneaky way they tried to do business in Hawai'i. It is THEY who are destroying the business climate here, not our environmental laws.

Thank you for showing that, while big-money special interests are given special favors by Lingle, the Legislature has too much integrity to get sucked in to that trap!

Aloha, joel

Dr. Joel Fischer, ACSW
President, 19-3, Democratic Party

Professor
University of Hawai'i, School of Social Work Henke Hall Honolulu, HI 96822

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."

Dr. Martin Luther King, Jr.

"Never, never, never quit."
Winston Churchill

Dr. Joel Fischer, ACSW
Professor
University of Hawai'i, School of Social Work Henke Hall Honolulu, HI 96822

Yes

Hawaii Super Ferry Testimony

As a senior citizen living in Hawaii for the most of my life, I and others have had to depend on either Hawaiian or Aloha airlines to travel from the Big Island of Hawaii to either Oahu or the other outer islands. This has been expensive in that it had no competition and could charge what ever fares they see fit. I have seen airline strikes, set backs and after bankruptcies the airlines are not stable. We all know that anything can happen. And we do need another form of transportation. Yes, in the past we had the hydro foil but that did not last because of the problems with our local waters. Now we have a company that has built a state of the art vessel that can combat our local waters in providing us with safe inter island travel.

The Super Ferry complied with all the requirements set up by the Department of Transportation. They have exceeded the safety requirements in providing an environment safe trip. I know the concerns are about the whales. Well I have fished in these waters for years. Yes, I have seen whales and I have moved in ways so as not to come close to them, scare them or put them in harms way. The Super Ferry has committed itself to doing the same. So this should not be an issue. They will post look outs to insure they do not run over a whale or damage it. The vessel does not have propellers that will gouge a whale as does other sight seeing vessels that chase after the mammals. Young brothers nor Matson barges will do this. Tug boats have no idea if they hit a whale or a small boat. They do not have eyes in the back of their heads to see if one of the barges they tow has hit anything and no one complains about that. But because a company came here, spent millions of dollars in providing us with an alternate form of transportation all of the environmental groups are up in arms to flex their muscles. Telling us the public what we can have and cannot have. If they do not like the ferry then they should not ride on it. But do not tell us what we can do or cannot do.

In recent polls 87% of the population wants the Super Ferry. In another poll over 91% have indicated they want the ferry to operate while it performs and Environmental study. They were informed they did not need one as the cruise lines did not. They acted in good faith but because of a few people the needs of the many are put aside. Some will argue the rule of law. But for some reason the rule of law only pertains to some and not all.

Some will argue invasive species will come from the outer islands to Oahu. I can understand that. But to treat the outer islands as foreign entities is not what we call Hawaii. When I lived on Oahu and moved to the Big Island I had some plants that I wanted to bring with me. I was told they had to be checked by the Department of Agriculture which I did. Some passed and some did not. The Coqui frog came from another Country, arrived on Oahu and then shipped to the Big Island. Had the Department of Agriculture did the job they are supposed to do then we would not have this problem today. The Super Ferry had said they would put car washes to wash down vehicles before going on board. Does Matson and Young brothers do this? I think not. So the invasive species is a lame excuse to halt this service.

Another complaint was the harm being done to Hawaiian Cultural sites. I have asked the question, where are these sites that the Ferry would harm? I have spent many years on the oceans around us and have never once come across one. So please, tell me where they are as I would never want to run over a burial site of the past.

I have read that many people from Oahu do not want this ferry system to operate. They do not want people from the outer islands to come to their Island. And the same applies to Kauai. I know that according to the Tourist Industry, Waikiki is Hawaii. Oahu is Hawaii and people seem to forget we are a state of Islands. We are all Hawaii. Many tourists coming to the Big Island are awed at the beauty that they find here. They did not know we even existed. And this is because Oahu claims they are Hawaii. It is about time they understand; Oahu is only one of seven islands. Waikiki is only one place and the beauty of Hawaii is in the outer islands.

Some will complain, wow, if the ferry has cars on it, they will cause traffic problems. They will pollute the roadways. They will take away rental business. For myself I feel this is rot. Why would I bring my car and spend hours in your outdated roadways. When I do come to Oahu, I ride the bus. It is convenient and easy to use. Will take you any place you want to go. On Oahu, I do not rent a car because there are no places to park. So let's be realistic. Not everyone riding the ferry will bring their vehicle with them.

There are Ferry systems all over the mainland. I do not see the Sierra club going after them. They provide a good system of transportation. We here on the outer islands of Hawaii need another form of transportation. We cannot depend on the air lines because they over book have cut down on their flights. To get a booking you must apply in advance and seldom do they have a flight that fits your time table. And where do you have to make those reservations? Not in Hawaii.....

You are having a public hearing in Kona with regards to community input. It is difficult for the people on the East side to attend such a hearing. So for that, I am submitting my thoughts and the thoughts of many of my friends. We need this ferry system. And we need it to begin now. Not wait for five years while an EIS is being performed. The Super Ferry has agreed to the safeguards asked of them and even more, so it should be allowed to operate while an EIS is being performed. For years everyone has know the Super Ferry would become reality. But the narrow minded, the people that are against the ferry have waited until the key was turned to file their complains. Had they protested in the very beginning then an EIS could have been done and all of this would not be happening now. The trouble with protestors is they never protest until they know they can do damage. We need this service and we need it now.

Thank you

John Gallipeau
Honolulu, Hawaii

Yes, the Big Island is a part of Hawaii.

Aloha

My name is Elisabeth Gapero

Yes

I'm here today to strongly support the HSF

I urge Governor Lingle and the special session of the Legislature to allow the SF to operate while an EA or EIS is prepared.

I urge you to protect our jobs.

Protect the people of HI from this hysteria.

This controversy is tearing our state apart. We are one state—one ohana.

I was born on Oahu. I have family & friends on Oahu. They're not coming here to rape and pilferage our island!

Recent letters to the Editor/Maui News express concern about Oahu crime, traffic, drugs or homelessness that the Superferry will bring over here ----I have a News Flash -----we have our own already.. along with invasive species! Can't blame Oahu for everything!

Isaac Hall presented the 29 Amendments to the Legislature last week. No transportation provider including current airline operations could operate under those ludicrous proposals.

For over one month in court hearings before Judge Cardoza these proposals were hashed and re-hashed for what seemed like forever.

This controversy is pivotal to Hawaii's tourism industry. The world is watching.

We don't need a bigger Black eye !

Let us have HSF back. Let us have our jobs back. Let's go and have some much needed Fun!

Our state is amazing to see from the relaxing ride that the SF has to offer!

In closing -

To Oahu—please forgive the few here on Maui that we have to put up with!

We're not all lunatics here----come visit!

To the Governor—I agree with you and support you wholeheartedly.

The Legislature—I trust you —We voted for you so you could do the right thing for us—the majority .

May the HSF Sail!!!

Mahalo

Elisabeth Gapero

21 One Malia Way

Wailuku, HI 96793

808 7608336

Yes

Aloha

My name is Pete Gapero

I'm strongly support the HSF.

I urge Governor Lingle and the special session of the Legislature to allow the HSF to operate while an EA or EIS is prepared.

First of all, I was lucky enough to travel on the superferry to Oahu during their promotion. I drove my pickup onto the superferry. What a great way to go. Every passenger enjoyed themselves.

Arriving on Oahu, I drove straight to Kalihi and ate my favorite food—Filipino plate lunch! Then I filled up my tank with cheap gas!

Next day I came home—What a great time I had.

What a way to travel and see our island state!

I love the ocean. I'm a paddler. I've done the Molokai Hoe several times. I have a one man outrigger that I regularly paddle in the Kahului Harbor. At least 3-4 times a week. One day I'd like to compete in one man races on Oahu. I could load it on my truck and enjoy the ride!

On a serious note, when a ship comes into the harbor whether it be a barge, cruise ship or anything that's bigger than me---I get out of the way! Safety first in the ocean. Since 911—it's the law to stay away from ships. Everybody knows that! The Kahului Harbor is big enough for everybody.

Lastly, I'm Hawaiian-born and raised on Oahu. My mom is pure Hawaiian - born and raised on Maui. I have family throughout the state. It's disturbing to me that a handful of transplants want to dictate choices especially when it comes to transportation between our islands. I don't need a Hawaiian practitioner to tell me about Hawaiian culture. Our culture is about the ocean and sailing. I live on Hawaiian Home lands. I also served my country as a Marine in Viet Nam.

The superferry is a great asset to the state of Hawaii in many ways. It would be a shame to see it go away. It's sad that a few have caused so much division in our state. This is not the Hawaiian way.

We need to do the right thing—Pono

I urge the Governor and the Legislature to allow the superferry to continue service.

It's what the majority wants!

Let's get the superferry back in service !

Mahalo

Pete Gapero

21 One Malia Way

Wailuku, HI. 96793

808 7608336

RE: Inter-island ferry service

NO

Dear Honorable Representatives~

I am hoping to be there today--last minute meetings are tough to get to but this issue is soooooo very crucial-I will be brief and to the point.

As a longtime visitor(38 years) and then local resident(5 years, after a whole lot of working double shifts to move here with husband)we are astonished that the bill passed after Iniki to "ferry goods and people in case of emergency at reasonable prices" has been turned into a money-making extravaganza for a team of people who give no respect to those people orrrrrr the nature that brings us this special--most special--place on earth.

An EIS was assumed to be mandatory--the grief and disrespect to Hawaiians and all the peoples who are now here is inconceivable. At the very least the whole project should be scrubbed-but if it is not, then during the survey process all and more of the things required in airline travel MUSTTTTTTTTTTTTTTTTTTTT be enacted, including all parts of cars and peoples...

This is such a calamity and very difficult to believe allowable under the eyes of supposedly mature and educated legislators--Really, a business CEO running our government from his many-dollared chair?? Give me a break...

Thank you for your forthright attempt to right what has gone wrong--and a Governor who i showing her true Bush colors>>government by contempt to the people. I thank you for your time. In all our years in environmental affairs in California, never was such a horrid turnaround not caught in time. Remember, next year is an election year...and a whole lotta folks feel as we do.

Su Haynes, for the family, Waipouli Rd, Kapaa, Kauai

Bryce Johnson
2197 Kipuka st.
Poipu, HI, 96756

~~NO~~

PLEASE NO FERRY UNTIL EIS IS COMPLETE. DO WHAT THE LAW SAYS.

NO

Aloha. My name is Merrill Kaufman. I am a long time resident of Maui and mother to four daughters born and raised on this island. As a family we cherish our unique lifestyle which respects Hawai'i, it's people and it's environment.

I am here today to offer my comments directly to State Senate and House leadership who have indicated that they have no choice but to write legislation that would over rule the judiciary which has heard extensive testimony and undertaken thoughtful deliberation in making its decisions regarding the operation of the Superferry prior to the completion of environmental impact studies. We have heard you speak in the media from O'ahu that you are considering such an outrageous action because you feel there is great public opinion in favor of the Superferry That impression is false.

Here, on Maui, in the communities that have the most to loose there is support for an environmental review process that ensure our environment is not irreparably damaged by the direct and indirect impacts of the Ferry.

In the October 9 edition of the Honolulu Advertiser, Senate President Hanabusa was quoted as saying "Now we are in almost the worse possible situation" when referring to consideration of overruling the judicial decision. I wish to correct her- WE, the people of Maui, are in the worst possible situation. We are faced with an unprecedented threat to our community and our way of life at the hand of elected officials who are supposed to put the good of the people ahead of political expediency.

I implore the committee, please do not offer up our island as an experiment in favor of the Superferry.

Mahalo

Yes

RE: Inter-island ferry service

To: Committee on Judiciary and Labor
Committee on Transportation and International affairs
Committee on Energy and Environment

I believe the interisland ferry should be allowed to operate while the EIS is being prepared. We, the taxpayers, have invested heavily in its start-up and will suffer financially if it closes. Also there is ample evidence of the benefits it can provide to our islands by offering alternative transportation for travel, commerce and the military.

Jerry Lindman
Pahoa

140

Aloha Legislators

We've watched over the last 7 years as the leadership in the highest office of our nation overstepped its boundaries by changing laws at whim. Please do not allow our state and its laws to become a microcosm of what is occurring at the federal level. Hawai'i is better than that. Let's stand up and do what is truly pono ? obey the law requiring an EIS prior to allowing the Superferry to sail.

Hubris does not belong in Hawai'i nei.

Eileen McKee
160 Keonekai Rd
9-102
Kihei, HI 96753

(808) 298-1886

NO

Good afternoon. Thank you state legislators for traveling to Maui to hear public opinions about Hawaii Superferry. As you have heard throughout these majestic Isles, and will hear on Maui, there are a great number of us who feel strongly that the Hawaii Superferry should not operate before the necessary environmental reviews are completed. I represent one of these many voices.

As you well know, This is not the first time that we, the people, have spoken out in opposition to allowing the Hawaii Superferry to operate before their environmental impacts are studied and addressed. We ask the State Department of Transportation and Hawaii Superferry to take these critical steps -as required by law - to complete an Environmental Assessment before the Hawaii Superferry is allowed to operate.

Ladies and Gentlemen of the Legislator,
The courts have agreed.

It is now your turn to listen and respond to the people of Hawai'I and uphold the court rulings. It is incomprehensible and morally unacceptable that our elected officials would convoke for the sole purpose to devise and pass a special bill to undermine our State Environmental laws. We call upon you, the legislative body, to require the Superferry to complete the needed Environmental Assessment BEFORE it begins to operate.

It is the will of the people. Mahalo.

Blake Moore

Yes

RE: Inter-island ferry service

to legislatures public access room, to all of the committees; please give a copy to each committee ; committee on judiciary and labor; committee on transportation and international affairs ; committee on energy and environment. I support the bill to permit the superferry to operate while an environmental impact statement is conducted.

Eric Rosse RR 2 box 4772 Pahoa, Hi 96778

NO

RE: Inter-island ferry service

Aloha Legislators

I have been involved in efforts to protect the environment here in Hawaii for many years. It has always been hard work because on the other side is big money and much of the establishment.

Hawaii's ecology is fragile and needs help wherever it can get it. Our requirement of an EIS is not very much protection, but it is something. It is shocking to think it might be buried now. What would we have left?

This ferry thing has been hustled through from the outset as if it had been ordered by a monarch. The infrastructure is not in place; all planning has been at breakneck speed. And it is truly dangerous, to the humpbacks in the ocean and to the neighbor islands on land.

The ferry folks went at this with their eyes open. They knew exactly what they were doing. Now it is time for them to rest their heels a bit and follow the law.

Please. This law is the only thing protecting us. Don't make a mockery of it.

Rick Schulze
P.O. Box 795
Kamuela, HI 96743

N^o

testimony from:

Rosa Silver-Russell

PO Box 336

Kilauea, HI 96754

I am a mother of two small children, an organic farmer, and a community activist. I am also on the Board of Directors of the Hawaii Organic Farmers Association (HOFA). I am writing to you today predominantly as a community member. I remain extremely concerned about the threat to our environment that a public interisland boat carrying cars may cause. I am very frightened for our island's safety.

There are many signs that this islands' road systems are beyond capacity. I drive my two small children to school and practices every day. I have noticed the stress and my concern for our safety is growing. In the last month my close friends have been in THREE dangerous car accidents! I heard a report that a visitor spends an average of 25% percent of their vacation time on Kauai in traffic! Imagine what it is like to live here.

Two weeks ago I visited Volcano on the Big Island. My friends there told me of their community's struggle with the coqui frog. This invasion is one of the dominant issues in her community. She explained how small they are and how easily they travel, especially on car axles.

During a call-in program on our community radio station, KKCR, a caller from the northshore of Oahu explained how his community is dealing with an invasive plant that spreads by a sticky seed that sticks to car wheels.

Both of these incidences are indications that allowing free access for vehicles between different eco systems or from isolated land masses is dangerous and UNKNOWN TERRITORY!

Please refer to our history. Look at all the invasive species that man has already brought to our delicate eco systems. Kauai homes over 75% of our countries endangered species!

As a farmer I am frightened by the potential invasive plants, possible new

introduced insects, and competition. There is already a problem with produce from big box stores showing up at our local markets!

I hope this has explained many of my concerns. I encourage you to delay the superferry until an INDEPENDENT EIS is completed and reviewed. I also hope that an independent agency known to have no political ties, such as the Union of Concerned Scientists, is consulted.

Thank you for your time,

Rosa Silver-Russell

NO

Testimony of Donald H. Wilson regarding proposed Superferry legislation:

To the Chairpersons and Members of the Hawaii State Senate and House of Representatives Committees on Judiciary and Labor, Transportation and International Affairs, and Energy and Environment:

My name is Donald H. Wilson, mailing address P. O. Box 3143, Lihue, Kauai, Hawaii 96766, home phone number (808) 821-0579, work phone number (808) 245-4705, ext. 224. I am a 31-year resident of the County of Kauai and an attorney-at-law and partner with the law firm of Belles Graham Proudfoot & Wilson in Lihue, Kauai, Hawaii.

I have reviewed the proposed legislation (the "Act") regarding the Superferry and would like to submit the following comments and observations. I will begin with specific comments on the provisions of the Act and will conclude with my general observations on the situation regarding the Superferry.

Regarding the legislative findings contained in Part I, Section 1, I take exception to several of the proposed findings. The "unique situation" referenced on page 1 that has resulted from the State Supreme Court's ruling upholding the clear language of HRS Chapter 343 is unique only due to what I see as the incredible political and legal risk that Gov. Lingle's Administration and the State Legislature took in (a) ignoring obvious primary and secondary impacts of the Superferry on the environment and (b) exempting a major business enterprise from the required statutory environmental reviews under Ch. 343. No one but the Administration which promoted the Superferry project, the majority of the Legislature which authorized funds and harbor improvements to promote, and the Superferry promoters themselves who sought exemption from environmental review are responsible for the situation in which we find ourselves. The proposed legislative findings make the situation sound as if this came as an unexpected development, when in fact I believe it was a calculated risk taken by the Superferry proponents to secure operating privileges without following established State environmental review procedures. To say that such an occurrence "is not explicitly contemplated in chapter 343" is ridiculous; who could possibly have contemplated that two entire branches of the State government would intentionally ignore the provisions of Ch. 343?

The legislative findings essentially state that the business and convenience benefits of Superferry operations outweigh environmental protection. There are undoubted benefits to having the Superferry operate and I do not dispute the agricultural and some other benefits. However, for the legislature to find as fact that "immediate operation" is in the public interest is, in my opinion, wrong. There is no public harm to having the proper environmental studies performed prior to operation, only a private harm to the Superferry promoters and investors. Hawaii's agricultural industry and others who legitimately will benefit from Superferry operations, and certainly the many Oahu residents who are anxious to bring their cars and trucks to the outer islands to visit their relatives, can wait while the law is followed and the proposed Superferry operations are properly studied, with environmental impacts then considered as part of the decision-making process in determining whether and under what conditions operations will be

allowed. In my opinion here is no critical public interest in quickly authorizing the Superferry to operate by way of a special session of the Legislature and special legislation primarily designed to benefit a critical private interest rather than a critical public interest, and by ignoring legitimate procedures for environmental protection in the process. By adopting such findings, the Legislature will be clearly sending the signal loud and clear that it places business and private benefit over environmental protection and public benefit.

The purposes of any environmental assessment or environmental impact statement is to study environmental impacts of proposed private and public actions prior to the action being taken and thus providing relevant environmental information and data to the decision-makers who will either accept, modify or ignore the findings and live with the consequences of their decision. Conducting an EA or EIS after-the-fact entirely eliminates the purpose of performing the study and makes a mockery and sham of the EA/EIS process. No one can convince me that findings contained in a legitimate EIS after the Superferry is allowed to commence operations will ever have the effect of stopping operations, regardless of the severity of the primary and secondary impacts of the Superferry operations. This Administration will never allow that to happen nor will there ever be sufficient political courage in the Legislature to do so. The Act thus proposes to throw environmental review and input out the window for the sake of private benefit.

The Act is specifically drafted to apply to "a large capacity ferry vessel company" and no other enterprise, and thus would adopt as State policy a new policy that benefits only a single private business – see Act Part I, Section 1(b). To claim, therefore, that there is a public interest in authorizing this single business to engage in operations notwithstanding the violation of existing State law is, in my opinion, a false statement and represents a legislative fraud on the people of Hawaii.

The Act, Part I, Section 1(c) removes Superferry operations from coverage under Ch. 343 and makes the Superferry subject to the Act alone. If ever there was a private-benefit legislation with one and one purpose only (i.e., to benefit one private business/person) this is it.

Adding insult to injury, Part I, Section 1(d) goes on to claim that the purpose of the Act is "to facilitate the establishment of inter-island ferry service and, at the same time, protect Hawaii's fragile environment by clarifying that neither the preparation of an environmental assessment, nor a finding of no significant impact, nor acceptance of an environmental impact statement shall be a condition precedent to, or otherwise be required prior to" Superferry operations and expenditures of State funds "provided that upon commencement of inter-island ferry service, the large capacity ferry vessel company shall comply with the condition set by the governor by executive order." I don't know whether to laugh or cry when reading this preposterous statement. First, only an unbelievably warped logic can claim that the Act will protect Hawaii's fragile environment by removing Superferry operations from the existing environmental protection statute. Second, by making Governor Lingle the determiner of what conditions and environmental protocols the Superferry must follow is an insult to those who truly

care about environmental protection in this State and a complete capitulation to the private business interests of the Superferry, which upon adoption of the Act will have their announced political ally making the environmental determinations under which it may operate. This is a classic example of putting the fox in charge of the chicken coop and would be evidence of the Legislatures complete abdication of its obligations and responsibilities to protect the public interest.

Other objectionable provisions of the proposed Act include (please forgive me if I repeat some points made earlier):

1. Section 3 – the carte blanche given to the Superferry to operate notwithstanding any other provision of State or County law, the judicially-determined violation of State law, the failure to prepare an EA or an EIS, the lack of a finding of no significant impact

2. Section 4 – leaving the conditions and protocols for operation regarding significant environmental effects to be determined by the Governor in her sole judgment by executive order and without regard to any other provision of law (!)

3. Postponing the preparation of an EIS until after Superferry operations have commenced, making the preparation and existence of an EIS virtually insignificant to the decision-making process and thus wasting further State funds and time in preparing an EIS that is not binding, need not be accepted, and is rendered irrelevant to the decision as to whether or not the Superferry should be allowed to operate.

4. Rendering all other State and County laws and ordinances regarding permitting, environmental review, and other start-up requirements null and void with regard to Superferry operations.

5. Requiring that the Governor is not required to report to the Legislature on her conditions and protocols for Superferry operations until 10 days after the conditions and protocols are issued, thus rendering any legislative or other public input inapplicable.

6. By removing the entire EIS requirements from existing State law and subjecting them solely to the Act, this implies that all previous rules, regulations, precedents, judicial decisions, and other legal requirements related to environmental studies will be thrown out the window and the Governor's Department of Transportation will be free to conduct the EIS process as it sees fit, without regard to pre-existing procedures or protocols.

7. The Act goes to great lengths to include detail of what should be included in the EIS, but the bottom line regarding the EIS is that it is doomed to be ignored and disregarded once it is completed, because the very purpose for conducting the EIS will no longer be present or operative, i.e., the proposed action that the EIS is to study will have already been authorized by legislative fiat and the EIS will play no part whatsoever in the already occurred decision that has allowed the Superferry to operate.

8. The single most repulsive and insulting statement in the Act is found in Section 8(b): "An environmental impact statement is meaningless without the conscientious application of the environmental impact statement process as a whole . . ." This comes after the Superferry has been completely exempted by the Act from the existing environmental impact statement process. To follow the exemption of the Superferry from the environmental impact statement process with a legislatively self-serving claim that following the very process that has been disregarded is what makes the EIS meaningful is truly twisted, incredible and outrageous. Does the Legislature really think that those of us who make up the public are so stupid as to fall for such idiocy?

9. The proposed "Hawaii inter-island ferry oversight task force" (Part IV, Section 12 of the Act) is a waste of time and I must conclude is included in the Act as an attempted sop to those who object to the Act. The oversight task force will have no authority and may merely make observations and recommendations, which will certainly be ignored. The membership of the task force will also be comprised of four Administration representatives, a representative of the Superferry, at least two "general business community" representatives, thus assuring that a majority of the members will be pro-Superferry advocates who cannot be expected to bring any serious degree of objectivity to the task force.

10. Those in the Legislature who merely want to punish the Governor for getting the State into this Superferry mess obviously want a process in place to place blame squarely on the Governor and not on the Legislature, thus in Part IV, Section 13 of the Act the "auditor" (who as far as I can determine is not defined in the Act) is authorized to conduct an audit of the process leading up to the granting of Superferry's original exemption from Ch. 343. This is a useless and meaningless game to play and as far as I can see is intended only to embarrass the Governor. However, not wanting to embarrass the Governor too much, the Act merely "requests" that the Governor and the DOT waive any attorney-client privilege with the State Attorney General, provide documents requested by the "auditor," and cooperate with the audit. I would like to know (a) who the "auditor" is, (b) who appoints the auditor and thus to whom the auditor is beholden for his or her job, and (c) why, if this audit is to be meaningful and thorough, the auditor should not be given the power of subpoena to seek out information which the Governor and her Administration will certainly refuse to release. A polite request will going to be followed if the Governor determines that information or testimony sought will be embarrassing or will be evidence of untrue statements previously made.

The bottom line for me regarding the proposed Act is that, if the Act is adopted in its present draft form, the Superferry will be allowed by the Legislature to operate regardless of any other interest, law or process that exists in this State. The EIS, task force, and audit provisions of the Act are meaningless and irrelevant to the policy that the Act promotes, which is that come hell, high water or environmental degradation the Superferry will be allowed to operate. No subsequent EIS or other findings concerning this venture will be of consequence once operations commence. This is precisely the

reason the EIS should be conducted prior to the granting of authority to operate, not after-the-fact.

One must not wonder very long or deeply as to why the Superferry promoters and the State Administration wanted to exempt this business from environmental review. There will be obvious adverse environmental impacts resulting from the Superferry operations and a properly-conducted and timely EIS will shine light on these impacts. By allowing Superferry operations to commence without a thorough investigation of the environmental impacts is a severe disservice to the public and renders any after-the-fact review moot.

If it were to be honest and forthright about this situation, the Legislature should simply state the obvious and not try to convince the general public that it (the Legislature) is concerned with the environmental impacts of this private business operation and what impacts the Superferry will specifically have on the outer islands. A careful reading of the Act makes it very clear that the legislation as currently drafted does nothing to promote environmental protection or to honor the rule of law, but does everything to promote a private business venture that has strong political support in the State government. I reluctantly but firmly have to consider this proposed legislation to be a fraud upon the public and an attempt to benefit the private interest over the public interest.

This legislation will set an extremely bad and damaging precedent for future policy decisions in Hawaii. I hope that the majority of the Legislature will seriously consider the long-term impacts of its decision rather than the short-term benefit and convenience that will be brought by the Superferry's operations throughout Hawaii.

Thank you for the opportunity to submit my opinions and observations on this important issue.

N/D

RE: Inter-island ferry service

To: Senator Brian Taniguchi, Chair, Senate Committee on Judiciary and Labor; Senator Kalani English, Chair, Senate Committee on Transportation and International Affairs, and Senator Ron Menor, Chair, Senate Committee on Energy and Environment

From: Warren and Josee Woodward, 8805 Kula Hwy., Kula, Hawaii 96790, 808 878 3103

Re: Against the proposed ferry bail-out bill being heard on various Neighbor Islands October 22, 23, and 24, 2007.

Testimony: We do not support this proposed bill.

Once the Supreme Court announced its decision, the law was clear. Under 343-5, the requirement to prepare an environmental assessment triggered the section of the law that requires completion and acceptance of that assessment prior to the implementation of the project.

That should have been the end of this matter. ***The only lawful action possible after the Supreme Court decision was initiation of the environmental assessment and cessation of all operations by the Hawaii Superferry.***

Unfortunately, the Director of the Department of Transportation (who is not an authority on law) stepped in to render his opinion that the Hawaii Superferry could continue to operate while the State prepared the environmental assessment.

This opinion directly contradicted the law, but the Governor embraced it.

The Governor, the Department of Transportation, and the Hawaii Superferry then engaged in a conspiracy to violate the law by putting the boat into operation.

This act was the first major violation of the separation of powers doctrine. With the law and its implications clear beyond question, the Executive Branch took it upon itself to both create new law (the boat can operate without a complete environmental assessment) and to overturn a final judicial decision (the boat cannot operate without a complete final environmental assessment).

The usurpation of both the legislative power and the judicial power by the Executive Branch is simply dictatorial. It violated the Constitution and laws of both the State and Nation, and it violated the Governor's oath of office to uphold the Constitution and laws.

The usurpation of the legislative and judicial power for purposes of engaging in a conspiracy to violate the law is an impeachable offense.

The Legislature sat silently watching the Governor steal their power.

The Supreme Court had no action before it allowing it to protect its power.

Finally, the Circuit Court in Maui stopped the conspiracy by entering an injunction and voiding the harbor use agreement for that jurisdiction.

Now the Governor wants the Legislature to legitimize the Governor's illegal and unconstitutional actions by granting a special exemption to the Hawaii Superferry that will allow the Superferry to continue operating without the State having completed an environmental assessment.

We emphatically say NO to this and urge you to do likewise. The actions of Lingle, HDOT, and HSF should not be excused, condoned, legitimized or encouraged. They should be condemned.

NO

testimony

From: David H Dinner [gentlewave@hawaii.rr.com]
Sent: Monday, October 22, 2007 4:16 PM
To: testimony
Subject: Superferry testimony/ Sunday Kauai Hearing

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator J. Kalani English, Chair

Senator Mike Gabbard, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

Superferry

Dear Legislators

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

It is hard to imagine any other reason for a special session of the Legislature than one in which the people in favor 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. How about a Disneyland on Kauai? Or line our shores with casino gambling resorts. Would that be pono? 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

10/22/2007

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

The special session will kick off a round of costly and lengthy Constitutional court battles and in the end we will be back where we started. EIS FIRST. The launch of the Superferry, if it is allowed, will trigger a public outpouring from the neighbor islands never before seen on these shores.

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

With great respect

David H Dinner

President 1000 Friends of Kauai

10/22/07 Hanamaulu, Kauai, HI

No

testimony

From: pihanakalani@gmail.com on behalf of Tek Nickerson [tek@pihanakalani.org]
Sent: Monday, October 22, 2007 4:08 PM
To: testimony
Subject: Superferry

NO SUPERFERRY UNTIL THE EIS IS SUCCESSFULLY PERFORMED.

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair

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

NOTICE OF INFORMATIONAL BRIEFING
DATE: Sunday, October 21, 2007
TIME: 2:00 p.m.
PLACE:
King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

Honored guests and fellow Kauaians,

I am Tek Nickerson, an environmental land use planner and man of God.

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

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

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

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

10/22/2007

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

It is unconscionable to pass a law that would benefit one profit-making company at the expense of the People.

That action is precisely how these islands were stolen in the first place.

Two wrongs don't make a right.

A higher law will hold you accountable, as will the voters.

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

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

Thank you for your consideration.

Aloha,

Tek

Tek Nickerson National director | tek@pihanakalani.org tel. 808-822-4795
SHARE, Inc. The Sacred Hoop of America Resource Exchange
A non-profit 501 (c) (3), registered in CT,
6978-B Kokeanu Place, Kapa'a, (Kauai), HI 96746 USA
Restoring balance through Aloha

N/O

testimony

From: Onegeaeme@aol.com
Sent: Monday, October 22, 2007 4:01 PM
To: testimony
Subject: Super ferry testimony

Every person on this island will be catastrophically impacted by this illegal venture.

If you think we have traffic problems now, wait until this illegal venture gets under way.

If you think we have crime and drug problems now, wait until this illegal venture gets under way.

If you think we have a problem with the homeless, the hungry, vagrants, wayward juveniles, over-crowded beaches, wait until this illegal venture gets under way.

Those of us who have a deep love and concern for this island and its people plead with you--our lawmakers--to obey the law. You ask us to.

Have the courage, have the vision, to insist this illegal venture not be permitted to disrupt our lives. Insist an environmental study be completed first as the law clearly states, or, if it is indeed too late for that, find another way to stop this illegal venture dead in the water.

Bettejo Dux
POBox601
Kalaheo, Kauai
332-9626.

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

testimony

Yes

From: Ruth Garza [ruthie.garza@hawaiiantel.net]
Sent: Monday, October 22, 2007 3:46 PM
To: testimony
Subject: Superferry

Aloha,

The call for a special session is very much appreciated by the people who support the Superferry. As a resident of Kaua'i I give you my thanks for taking the time to hear me. I consider myself to be part of the silent majority that favor this new business for our island and state.

I was a passenger on the ferry when the "few" here on this island decided to break the law and disrupt the conducting of business by the Superferry. Auwe, what a shameful display.

The impact of the protestors' actions has brought about a sense of shame since I live here on Kaua'i and there is a certain hostility being bred here. The fact that the people making the pilikia was of caucasion descent emphasized the cultural split.

As a Hawaiian born and raised in Papakolea, Oahu and living the past 25+ years on the garden island, I want you to know that this is not the island way of doing things.

My daughter works in the visitor industry and after what happened, there was an impact of cancelled reservations and questions of personal safety for future visits.

There are many good benefits for the island people in giving this new enterprise a chance. Local businesses will have more options in bringing over fresher products, local sports teams can travel to compete on other islands, families can visit without burdening the host family with transportation needs. The workforce that Superferry hires are local people.

It seems like the complaint is of the process not the product. That being the case, please follow the people's choice and allow the Superferry to do business while the "process" is being corrected.

Mahalo for your attention

Respectfully submitted,.

Ruth Garza

Lawai Valley, Kaua'i

NO

testimony

From: Randy Wolfshagen [indatube@gmail.com]
Sent: Monday, October 22, 2007 3:42 PM
To: testimony
Subject: Superferry - Please do NOT set a bad precedent and change laws for the sake of one company

Hearing notice for (10/21) Sunday's hearing that was on Kauai:

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

NOTICE OF INFORMATIONAL BRIEFING

DATE: Sunday, October 21, 2007

TIME: 2:00 p.m.

PLACE:

King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

Aloha,

The existing law created by you, our legislature, needs to be upheld.

Governor Lingle and her staff need to be held accountable for their poor decisions.

Taxpayer's monies and loans should not be allowed to be used to market and lobby your offices.

- Randy Wolfshagen, Kekaha HI

10/22/2007

testimony

From: nancy kanyuk [nancykanyuk@hawaii.rr.com]
Sent: Monday, October 22, 2007 2:09 PM
To: testimony
Subject: Superferry

TO: Senator Brian T. Taniguchi, Chair
Committee on Judiciary and Labor

DATE: Monday, October 22, 2007

TESTIFIER: Nancy Kanyuk
125 Kanoa Street
Wailuku, HI 96793

RE: Superferry testimony

Thank you for the opportunity to provide testimony today. I think that public hearings where we regular folks get to play a part in shaping policy are an important part of the democratic process. But I don't think that's what's happening today. In fact, I'm not sure what is happening today. The special legislation session is already scheduled for Wednesday and you folks, the Department of Transportation and the governor are not debating **whether** the Superferry will operate during the preparation of an EA or EIS but rather how to make sure the regulations to allow it to do so are in place.

I'm not an expert on environmental law and policy but I did work at the University of Hawaii's Environmental Center while I was in graduate school. The Center is where all environmental documents (EAs, EISs, etc.), triggered by HRS 343, come for review. So I know the law and know that it was written to help protect Hawaii's fragile ecosystem, cultural integrity, etc. and that bending, breaking or re-writing the rules for one entity subverts the whole process and sets a dangerous precedent.

I'm not an obstructionist nor am I some wild-eyed extremist. I **am** someone who believes that laws should apply to everybody equally. In this case it clearly states that whether the document is an EA or EIS it must be done before the project can proceed. And in the likelihood that there are findings of significant impact, one of the alternatives within that process is "postponing action pending further study or utilizing "alternative locations for the proposed project."

It's naïve to think that this project will be halted once it begins operating even if significant impacts are reported. Look at the history so far. If DOT, the governor, the legislature and Superferry executives are unwilling to wait for an EA or EIS to be prepared before beginning operations, how realistic is it to assume they would be willing to stop the project so that any significant impacts are mitigated?

And so this bill, while comprehensive in its explanations, is fundamentally flawed. It sprinkles the phrase "in the public interest" liberally throughout the document and yet ignores the popular will. It ignores a legal and democratic process and proposes to create a new one. And it calls for a special legislative session which may be nothing more than special interest politicking. And it may result in the rewriting of important environmental laws that may have repercussions for years to come.

10/22/2007

No

testimony

From: surfspot@hawaii.rr.com
Sent: Monday, October 22, 2007 2:13 PM
To: testimony
Subject: 10/21/07 Kauai Hearing Testimony

I would like to submit my testimony for the below-mentioned hearing:

Please do not allow the Superferry to operate without an EIS. The law's the law.

Nancy M. Smith
3816 Omao Road
Koloa, HI 96756

**THE SENATE
THE TWENTY-FOURTH LEGISLATURE**

COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair

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

NOTICE OF INFORMATIONAL BRIEFING
DATE: Sunday, October 21, 2007
TIME: 2:00 p.m.
PLACE:
King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

N/D

testimony

From: kim usher [teriann1@hotmail.com]
Sent: Monday, October 22, 2007 2:12 PM
To: testimony
Subject: Superferry testimony

Monday, October 22, 2007

I would like to testify My Name is Kim Usher. I have a dentist appt is it ok if I go first.

Mahalo, Kim Usher

RE: Whales, Superferry and improper use of the legislative process

Aloha To Our Elected Officials,

I have been an islander since I was fifteen and came here to Maui in 1971 to attend Seabury Hall. I would like to address the above subjects. Before I do here is some background on myself and some processes of government I have found interesting.

- 1) I traveled 2500 miles to vote on a ballot that asked to raise taxes in a district that was becoming a younger neighborhood and wanted more money for the schools -- the problem was that there were many more older retired people in this city of Wilmette who could not afford the increase. I had worked as a school photographer in all the schools in the Chicago neighborhoods and also the schools in Wilmette. The schools there were like Palaces compared to the other schools in Chicago and I felt that the children would not suffer, but the elderly would -- by an increase in taxes. The tax increase was not passed by 100 votes.
- 2) In the state of Arizona we passed the medical marijuana initiative and watched as the legislature voted to put it on hold until the Federal laws would allow it. The next time we voted the ballot said (in my words) That the Federal Government had no right to tell us what to do and that they could go to *&*^%\$%#* and so could the Arizona legislature. It passed with more than 65% of the vote.
- 3) I marched around the courthouse in Hilo begging the court to make stricter sentences for sexual abuse cases. We are still trying to bring more understanding to the community the horror of this type of action and that it really does exist. I helped put Dr. Richard Williams in Prison, only 8 years, and that took 2 years of talking and telling people he was doing something wrong. Then when he ran away to avoid prosecution I went to the corporation counsel and asked them to bring him back and prosecute. Afterwards many people came to tell me more stories of what he had done to them besides the three women who came forward to the police. I believe he was drugging and raping at least one woman a day in his office.
- 4) The City Clerk of Chicago gave me a certificate of appreciation for being one of those who care and take action to help solve the problems in the City of Chicago.
- 5) Working with the Main Street Program in Hilo I found that the older more established merchants were left out of the loop except for when there was a need for something to donate. I never hear

about Maui's Main Street Program, except complaints from Paia who are not receiving enough of the benefits. Redevelopment doesn't mean bring in new but (in my opinion) to help the older businesses become more innovative. Why does Young Brothers need to raise rates? Because money that could be better spent was misappropriated and used in the harbor elsewhere with out the proper authorization..

10/22/2007

This brings me to the subject of the Superferry. When one uses their hearts and minds to bring change, there is a different approach to the subject. Our island is not a feast to eat and we do not think with our stomachs or other lower parts of our bodies representing power, control and security. WE are a living breathing system and because we are an island, this includes the living ocean and the beings in it. Even though there are certain reasons that the Superferry might be good, there are many other reasons it is not. Our system is delicate and must be treated as such a system that includes the understanding of change to a system. The environmental impact assessment determines how something will change this system and should have never been overlooked or not required. A lot of people spent a lot of time making the environmental laws we follow today.

Usurping our law is no way to bring change. In my opinion, this is being done to feed others when there never was and they never were invited to a feast. The people who are behind this are only here for the money, and to eat up what they can. I will not be propagandized on this subject and I truly believe that there are some underhanded dealings here. Move in the right direction in this matter. There are laws and all must obey, as that is the will of the people. We the people have already spoken -- informational meetings and unsanctioned polls do not replace the votes in an election. Go the extra mile and stand-up to those who want our legislature to go against the voters wishes and the laws we the people have sanctioned.

Mahalo and Aloha,
Kim Usher
856-5735

P.S. I miss the wili wili trees. Maui is special lets keep it special. ...
The Whales and other sea creatures are counting on you!

Boo! Scare away worms, viruses and so much more! Try Windows Live OneCare! [Try now!](#)

testimony

N/O

From: kara@pacificwhale.org
Sent: Monday, October 22, 2007 2:08 PM
To: testimony
Subject: Testimony

>> My name is Kara Johanssen and I am a resident of Lahaina. I am
>> opposed to having our Hawaii State Legislature go into a special
>> session to pass a bill that will allow the Hawaii Superferry to
>> operate BEFORE any conditions of the Environmental Assessment are
>> completed. It is not right that the Legislature do this to address
>> one special interest business -- the privately owned Hawaii
>> Superferry. It is not right that our Legislature bypass Hawaii's
>> Environmental Law. I ask Senate President Colleen Hanabusa to put an
>> end to the special session of the legislature. I ask that you
>> represent the people and the environment, and require the completion
>> of the needed Environmental Assessment before the superferry begins
>> to operate Do not gut our state environmental laws.
>> Thank you.
>>
>>

NO

testimony

From: catherine [catherine@laolahealth.com]
Sent: Monday, October 22, 2007 2:05 PM
To: testimony
Subject: Superferry must have EIS first

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

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

NOTICE OF HEARING

DATE: Wednesday, October 24, 2007
TIME: 10:30 a.m.
PLACE: Auditorium State Capitol
415 South Beretania Street

Please do not change the law for one special interest group, ie the Superferry. The law is there for a reason and is a good law. The governor made a mistake, the business men and women of the Superferry made a mistake. Don't you make a mistake.

DO THE RIGHT THING! For the AINA!

Catherine Downey
PO BOX 968
Kilauea, HI 96754

Kauai

10/22/2007

NO

testimony

From: annalia [annalia@hawaii.rr.com]
Sent: Monday, October 22, 2007 10:48 AM
To: testimony
Subject: Super Ferry must get an EIS FIRST

Hearing notice for (10/21) Sunday's hearing that was here on Kauai:

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair

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

NOTICE OF INFORMATIONAL BRIEFING
DATE: Sunday, October 21, 2007
TIME: 2:00 p.m.
PLACE:
King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

What I, along with hundreds (if not thousands) want to know is -

What is the reason(s) that a little charter school (which would have approximately 60 students, (along with teachers & staff) was required to get an EIS - taking 2+ years and thousands of dollars? And the non-Kaua'ian, **Super Ferry cartel has not been like-wise required to get an EIS BEFORE operating?**

What is the reason(s) that the law applies to 'small' local interests and NOT for 'big' business?

What happened to the 'government by the people, for the people'? upon which American was founded?

What happened to accountability in our 'political representatives'?

This small school - building, land, and use - will have tremendously LESS deteriorating affect, if any, on

10/22/2007

our environment than the Super Ferry.

Respectfully Submitted,
A. Russell, Ph.D.

POBox 1670
Kapa'a, Hi. 96746

--

In true Aloha, Annalia, Ph.D., D.D.

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<http://www.oil-testimonials.com/viewUser.php?ulD=17b9>

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access1

NO

From: Patrice Walker [Patrice_Walker@msn.com]
Sent: Monday, October 22, 2007 11:47 AM
To: testimony
Subject: Please Uphold Our Environmental Laws

Aloha Legislators

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws. This corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

Here are some of the reasons I feel so strongly about upholding Hawaii's current environmental laws:

- Hawai'i's EIS law should be upheld because it provides a crucial layer of protection for Hawai'i's irreplaceable natural and cultural beauty.
- The proposed legislation to exempt the Superferry from its obligations under the law is overbroad. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books. Proposed conditions on the operation of the Superferry fail to address to legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment.
- Public participation is essential to a well-functioning democracy! Hawai'i's EIS law provides a rare opportunity for public hearings. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.
- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which all businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly.
- Strong protection of public trust natural and cultural resources depends on upholding the law. Laws that are not upheld or enforced are shibai and useless!
- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete environmental review will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption now will not.

Patrice Walker
47-455 Hoopala Street
Kaneohe, HI 96744

access1

NO

From: Brooke Porter [brooke@pacificwhale.org]
Sent: Monday, October 22, 2007 12:30 PM
To: testimony
Subject: Brooke Porter Testimony

Aloha, My name is Brooke Porter and I am representing Pacific Whale Foundation and myself. I urge the State of Hawaii to consider the implications of underwriting Environmental Law and allowing Superferry to operate during an Environmental Assessment and Environmental Impact Statement. Such ex post evaluations and assessments examine the actual consequences of completed projects, in other words serve only to state what damage has already been done. As mandated by National Environmental Policy Act of 1969, the purpose of an Environmental Impact Statement is to assess the affected environment and offer a reasonable range of alternatives. I ask, how can the state of Hawaii allow Superferry to legally operate during an Environmental Assessment and Environmental Impact Statement? The process of an Environmental Assessment and Environmental Impact Statement calls for a range of "reasonable alternatives," the description of the affected environment and the analysis of the impacts. Is the state legislature asking that all of these be described following the imminent damage to the environment? Please follow our state's Environmental Law and DO NOT Allow Superferry to operate during an Environmental Assessment and Environmental Impact Statement.

access1

From: Andrea Brower [andrea@malamakauai.org]
Sent: Monday, October 22, 2007 12:31 PM
To: testimony
Subject: Superferry: Follow the Law!

Aloha kakou,

This is the oral testimony that I presented at the Kaua'i informational briefing last night.

My name is Andrea Noelani and I was born and raised on Kaua'i. I was in the water the night the superferry was forced to turn back.

The people who are most adamantly opposed to the superferry are the youth--the next generation. Sadly, we are not well-represented here tonight because many of us have lost faith in a corrupt political process. But I can tell you where the youth will be, and that is in the water if you allow the superferry to come back before doing an EA.

I don't care if that ship is going 5 knots or 40, if you undermine our most important environmental law and usurp the balance of power that is necessary for democracy to function, you will be met with mass protest, and it won't be in the coast guard's "designated security zone." As activist Walter Ritte said the other night "you have awoken the sleeping giant." No negotiation, no 29 conditions, no superferry until an EA is complete! A'ole!

Mahalo for being here on a Sunday night to listen.

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair

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

NOTICE OF INFORMATIONAL BRIEFING
DATE: Sunday, October 21, 2007
TIME: 2:00 p.m.
PLACE:
King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

A G E N D A

The Committees will be hearing a Senate Bill that will be introduced at the convening of the Second Special Session of 2007 on Wednesday, October 24, 2007. The subject of this bill will be to permit the operation of an inter-island ferry service in the State of Hawaii while an environmental impact statement is being conducted, while at the same time, ensuring that there is adequate protection of the environment. The bill will also establish an oversight task force for the purpose of examining the impact of inter-island ferry operations on the communities, environment, and harbor and other infrastructures.

The Committees are inviting members of the public to present their views and concerns on this proposed legislation. The Committees would like to hear from as many individuals as possible, and are anticipating a large volume of individuals wishing to present testimony.

As such, and as a courtesy to those patiently waiting for their opportunity to address the Committees, it is requested that each individual limit their oral testimony to two (2) minutes. Individuals wishing to present oral testimony will need to sign-in at the designated table. Oral testimony should also be submitted to the Committees in writing within twenty-four (24) hours following the informational briefing through one of the methods indicated below.

Persons wishing to testify should submit testimony in one of the following ways:

- In person: one (1) copy of their testimony to the informational briefing.
- By fax: Testimony may be faxed if less than 5 pages in length, to the Senate Sergeant-At-Arms Office at 586-6659 or 1-800-586-6659 (toll free for neighbor islands), 24 hours following the hearing. (per Taniguchi's asst.) When faxing, please indicate to which committee the testimony is being submitted, the date and time of the hearing, and the number of copies needed for submittal.
- By Email: Testimony may be emailed if less than 5 pages in length, to the Legislature's Public Access Room at testimony@capitol.hawaii.gov. Please indicate to which committee the testimony is being submitted, the date and time of the hearing, and the number of copies needed for submittal. In addition, please provide the testifier's name and mailing address in the email. Email sent to individual offices or any other Senate office will not be accepted.

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

Senator J. Kalani English, Chair
Senator Brian T. Taniguchi, Chair
Senator Ron Menor, Chair

access1

~~NO~~

From: Andrea Baer [aabaer@aol.com]
Sent: Monday, October 22, 2007 12:32 PM
To: testimony
Subject: Please Uphold Our Environmental Laws

Aloha Legislators

Please do not allow Linda Lingle with yet again breaking environmental laws in order to accommodate big business. She has a history of doing this, and to let her get away with it again sends the wrong message. She needs consequences to show her she can not get away with this negligence. Otherwise it will continue.

Andrea Baer
Mapu Place
Mapu Place
Kihei, HI 96753

access1

NO

From: Bev Brody [bevbrody@hawaiiantel.net]
Sent: Monday, October 22, 2007 12:40 PM
To: testimony
Subject: SUPERFERRY MUST GET AN EIS BEFORE OPPEARATING! 10/24 testimony

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

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

NOTICE OF HEARING

DATE: Wednesday, October 24, 2007
TIME: 10:30 a.m.
PLACE: Auditorium State Capitol
415 South Beretania Street

Aloha,

Thank you for considering the "people's" opinions before making a decision regarding the SuperFerry. I strongly believe that the SuperFerry should get an EIS BEFORE sailing. How arrogant of our governor to ask the Hawaii legislature to simply ignore the laws of the state and give the SuperFerry the green-light to do whatever it wants. It absolutely amazes me. With examples like this we wonder why our state is in the state it is.

Please, obey the law...Do not let the SuperFerry sail without and EIS!

Aloha.
Bev Brody
Kauai

10/22/2007

access1

From: Christopher Fung [cfung@hpu.edu]
Sent: Monday, October 22, 2007 12:45 PM
To: testimony
Subject: No to the SuperFerry

Aloha Legislators

As a taxpayer I object strongly to the idea that the Superferry is the only alternative available to inter-island flights. The proponents of SuperFerry would have us believe that we are now committed irrevocably to a course of events which favors them. This is not the case, PROVIDED the Legislature stand up for its own laws and the for the interests of the real people of Hawai'i.

Do not simply roll over to the special interests who gave big donations to the governor's campaign fund and to the campaign funds of key democratic party members.

Now is the time for you guys to show US that you have not been bought and sold for a measly few thousand dollars.

If you have our best interests at heart than explore FULLY all the alternatives to the SuperFerry and do NOT allow yourselves to be railroaded into kowtowing to mainland bully boys and corporate shills.

yours in solidarity with the 'aina

Christopher Fung

Christopher Fung
1020 Green St #205
Honolulu, HI 96822

NO

access1

From: Poipu Plantation [plantation@poipubeach.com]
Sent: Monday, October 22, 2007 12:59 PM
To: testimony
Subject: Super Ferry complete the EA before operating (revised)

Please address our testimony for the Kauai 10-21-07 meeting shown below, the addressees to the committees:

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

Aloha committee Chair and members.

I respectfully request that no exceptions be made to the courts decision which requires an Environmental Assessment or subsequent EIS be completed prior to the operation of the Super Ferry's in any State harbor or waters.

I am extremely concerned about the invasive plants, animals or other organics being introduced to our island of Kauai. Please recognize that Kauai is one of the few habited Hawaiian islands with an array of native and indigenous life forms not yet threatened by mongoose, fire ants, and other pests already populating the other islands.

Javed Maksood
1792A Pee Road
Koloa, HI 96756

10/22/2007

testimony

NO

From: Chris [Chris@2Kauai.com]
Sent: Monday, October 22, 2007 5:39 PM
To: testimony
Subject: Superferry Testimony

THE SENATE, TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS Senator J. Kalani English,
Chair Senator Mike Gabbard, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

NOTICE OF INFORMATIONAL BRIEFING

DATE: Sunday, October 21, 2007

TIME: 2:00 p.m.

PLACE: King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road, Lihue, HI

Dear Honorable Senators,

I respectfully ask you NOT to change the existing environmental laws that have served the state well for over 30 years. How will all the other companies that have paid for and complied with their respective EIS's react if the State Legislature waives the rules for HSF? That does not sound fair or providing equal treatment under which business can rely upon and thrive.

Please consider the implications when a very powerful corporation can get a governor to waive a key environmental law just for them.

Environmental studies have been required of and completed by many other harbor users and both new and existing business for far less change.

Hawaii Superferry had plenty of time to comply with the law in the 2 years+ they have been preparing for launch. It is good business to respect the law.

This is not about turning back the clock or driving a wedge between the good people of Oahu and Kauai. The problem is compounded by the rapid increase in infrastructure demand by a steadily increasing population and the ongoing construction boom. Our visitors and locals are already impacted by near gridlock on the Kauai roads yet there have been no provisions announced to mitigate additional demands created by this new service on roads, DLNR, county parks, police and other affected service personnel.

Please consider the impact on the communities affected. Come drive

through Lihue, Kapaa and Poipu and see for yourself! The court imposed environmental study is for the benefit of all Hawaii residents, future generations and our welcomed visitors. There is no reason to change the law because of the poor decisions of the governor and DOT. We can all still freely move about the state. Business booms with or without another travel alternative.

Sincerely,

Christopher White
3794-D Omao Road
Koloa, HI 96756
808-742-1778

**JAMES MILLER
CONTRACTOR
• HONOLULU •**

Yes

FAX TRANSMITTAL

DATE:	<u>10-22-07</u>	PAGES INC. COVER SHEET:	<u>1</u>
FROM:	<u>JIM MILLER</u>	TO:	<u>Senate Sergeant-At-Arms</u>
SUBJECT:	<u>Hawaii Superferry</u>	COMPANY:	<u>Hawaii State Senate</u>
PHONE:	<u>224-1318</u>	FAX:	<u>524-9137</u>
		PHONE:	
		FAX:	<u>586-6657</u>

Alchea

I Support Hawaii Superferry. I support The Bill Allowing Hawaii Superferry To provide Service in Hawaii while an environmental impact Study is conducted.

We are a small General Contracting Company that wishes TO provide our construction services TO Neighbor Island Customers. The Superferry will Allow us TO better Service our Neighbor Island Customers Allowing Ease of movement of our construction Equipment.

Hawaii Superferry will Be of Great Benefit TO Hawaii and Its Small Businesses.

Please Help.

Thank You



*James Miller
(224) 224-1318*



Syd Pryne <syd@xtreemrefrigeration.com>

yes

SUPPORT FOR HAWAII SUPERFERRY

1 message

Syd Pryne <syd@xtreemrefrigeration.com>

Mon, Oct 22, 2007 at 11:11 PM

To: Testimony@capitol.hawaii.gov

TO: SENATE COMMITTEES: Judiciary and Labor, Transportation and International Affairs, Energy and Environment
HEARING DATES: Wednesday October 24 10:30 am. Auditorium State Capitol

I am in support of the bill to allow the Hawaii Superferry to operate during the time it takes to perform an Environmental Impact Statement and am in support of the draft bill as published on the State Capitol website in its current form.

This superferry is an important option for the people of Hawaii to travel inter-island in an economical and timely manner as is needed in this fast paced business environment we face in Hawaii. With inter-island air transportation mired in litigation - where Hawaiian Airlines has promised to raise air fares inter-island if they can get rid of go! Airlines in Judge Ferris's courtroom we must have another option to keep air fares competitive.

We must have another way to bring the people of Hawaii together - and while loud opponents of this new service are very rude in public meetings many of our neighbors on the outer-islands are super nice and we need a cost effective way to bring the people of this state together.

While Young Brothers will ship your car or truck to another island for work it is difficult and expensive as tools must be locked up and bolted down for the barge ride and the drive on and off by Stevedores.

Please vote to allow us this option of travel. We need it and want it as shown in both scientific and non-scientific polls taken over the last few months. We cannot allow policy in this state to be driven by a few loud and obnoxious lawyers who would like to kill this project any way they can.

Thank You,

Syd Pryne

Syd Pryne
President
Xtreem Refrigeration Inc.
1626 Hoolana Street
Pearl City HI
(808) 330-1899 (office)
(808) 630-7472 Cell
(808) 455-1195 Fax

Yes

Main Identity

From: "Kim Weaver" <kimmieb@hawaii.rr.com>
To: <testimony@capitol.hawaii.gov>
Sent: Monday, October 22, 2007 11:56 PM
Attach: Kim Weaver.vcf
Subject: Senate Committees: Judiciary and Labor, Transportation and International Affairs, and Energy and Environment- Hawaii Superferry

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

Hearing Date: Wednesday, October 24

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

I own a small handmade soapmaking business here in Hawaii on Maui. I strongly believe that the Hawaii Superferry will help my business to grow and be successful. It will allow me to expand and sell my products through out all of Hawaii and not just Maui. I can load my vehicle with my products and drive aboard the ferry for the gift, craft and trade shows on Oahu. I've waited for several years, looking forward to the day the ferry would start service.

I have a dream, to be able to support my son as a single parent, pay my mortgage and have a successful business. I NEED the Superferry.

The ferry would also allow the me to spend more time with my brother and sister on Oahu, who moved away many years ago because Maui could not offer them the employment opportunities they needed. I have chosen to stay on Maui, but if I cannot make a living for myself and family, I'll be forced to sell my home and move to the mainland, away from my family and friends.

I ask that you find solution that would enable Hawaii Superferry to continue operation while the environmental assessment is being conducted.

Mahalo,
Kim Weaver
Hana Lima Soap Co.
Maui, Hawaii

Yes

Senate Sergeant at Arms, State
of Hawaii

From: John Glover, Kauai County

Very important to state of
Hawaii to keep the Hawaii
Superferry up and running.
I can't imagine how business
community in the rest of
the US would view us
if we shot ourselves in
the foot on this one

Aloha
John Glover



Yes

Sudeferry testimony

From: J H (jdoreanskye@hotmail.com)
Sent: Mon 10/22/07 10:13 PM
To: testimony@capital.hawaii.gov

From: jdoreanskye@hotmail.com
To: testimony@capital.hawaii.gov
Subject:
Date: Mon, 22 Oct 2007 22:03:16 -1000

Dear Senators,

When I look at the people representing the Islands at Kaula and Maui, I see Kamainas, who do not represent the true ethnicity of our people, Japanese, Hawaiian, Filipinos and Portuguese, I see Mainlanders who want to protect their way of living in a retirement community... Please Help these Islands diversify their economies so our children on these Islands can afford a good job and stay on their Islands. The economy has to develop on our outer Islands, I know to many friends and acquaintances who come to Oahu to find a better paying job. Which serves as a vacuum on the outer Islands due to lack of economy and diversified jobs that pay well to keep them there, instead of coming here and crowding this already over populated Oahu...

The lack of good Medical care on the outer Islands is also a problem, with Superferry, the one in need of special travel provisions can come to Oahu, and get good care....

Please don't be bullied, like the City Council, a few years ago, when they held public discussion about the amount of chickens allowed per family, they were bullied by all the chicken owners who showed up at the meetings, and common sense went out the windows, their decision in favor of the chicken breeders, was not in the interest of the Public at large. Pay good attention to the Polls and vote accordingly, the Majority in Oahu, and the silent Majority on the outer Islands should have an alternate choice of transportation.

Please do not overburden the Ferry with too many rules and treat them as all the others ship that sail our waters.

Finally our economy on the outer Islands must diversify, to keep their children there and not come to Oahu....

Sincerely, James Horie
94- 732 Kuhaulua Pl.
Waipahu, 96797

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<http://by131w.bay131.mail.live.com/mail/PrintShell.aspx?type=message&cpids=db26555...> 10/22/2007

Yes

JUNGLE GIRL**1717 Mott-Smith Dr. #3009****Honolulu, HI 96822****Ph/Fax (808) 536-5208**

Senate
 To: Sergeant At-Arms Office Date: Oct 22, 2007
 From: Karen Schartz Pages:
 RE: Superferry

To the following Senate Committees:
 Judiciary & Labor, Transportation & International
 Affairs, & Energy and Environment,

Please, please, please ~~save~~ our Superferry!!
 I am a business traveler who continuously
 pays up to \$100 round trip interisland
 for excess baggage, and as soon as the
 airfare goes up again (we all know that it's
 just a matter of time), it will be a real
 struggle for me financially. I really
 need the Superferry so I can load all
 my samples up in my car when I
 travel to another island.

I honestly do not understand how
 one or two little ferrys can supposedly
 cause so much "possible damage" when
 all the monster cruise ships and the
 thousands of people they carry have
 never been targeted. ??

More people want the ferry service
 than don't, so please listen to the
 majority!

Concerning The Superferry

Oct. 22, 2007

NO

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

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator J. Kalani English, Chair

Senator Mike Gabbard, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

FROM PENNY PRIOR
P.O. BOX 655
ANAHOLA, HI
96703

My testimony is

Please No Super Ferry until the EIS
is successfully performed.

Thank you for your attention

Penny Prior

Kimo Spencer
2234 Aha Niu Place ♦ Honolulu, HI 96821 ♦ USA
Phone: 808.255.5466 ♦ Fax: 808.738.0466 ♦ Email: kimospencer@hawaii.rr.com

Yes

Fax: 586-6659

Senate Sergeant-At-Arms Office

Aloha,

I am a lifetime resident of the State of Hawaii and I am native Hawaiian. I am in FAVOR of the Hawaii Superferry. Having a transportation alternative to interisland airline travel is in the best interest of all people in our state. Please don't allow the vocal minority ruin this opportunity for the rest of us.

Mahalo,

Kimo Spencer

Kimo Spencer

Jeremy Jay Dietz

2234 Aha Niu Place ♦ Honolulu, HI 96821 ♦ USA
Phone: 808.228.2159 ♦ Fax: 808.738.0466 ♦ Email: jaydietz@hawaii.rr.com

Yes

October 22, 2007

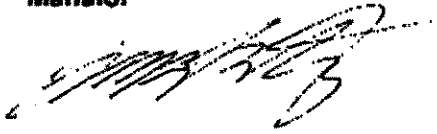
Senate Sergeant-At-Arms Office
Fax: 586-6659

In FAVOR of the Hawaii Superferry

We need an alternative in interisland travel. The superferry is an excellent alternative that will increase competition and be good for residents, good for tourism, good for business, and good for Hawaii. All of the islands will benefit.

Please allow the Hawaii Superferry to operate while the Environmental Impact Study is being conducted. This is extremely important to me and my family.

Mahalo!



Jay Dietz

Yes

October 22, 2007

To: Senate Sergeant-At-Arms Office

Fax Number: 808/586-6659

Regarding: Senate Committees: Judiciary and Labor, Transportation and
International Affairs, and Energy and Environment
Hearing Date: Wednesday, October 24, 2007
Time and Location: 10:30 a.m. Auditorium, State Capitol

Please accept this letter as my personal testimony in support for inter-island travel via the Superferry.

I enjoy visiting each of the other islands to do sight seeing and shopping. By being able to travel inter-island on the Superferry, I would be able to take my car with me and eliminate having to rent a vehicle.

Please allow inter-island travel by the Superferry.

Respectfully,



Michelle R. Kirkpatrick
68-1781 Puu Nui Street
Waikoloa, HI 96738
808-883-9380

Yes

Michael A. Winchatz

From: Michael A. Winchatz

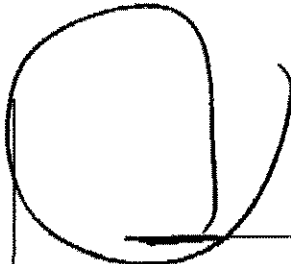
Sent: Monday, October 22, 2007 8:58 PM

To: 'testimony@capitol.hawaii.gov'

Subject: I support the bill that will permit inter-island ferry service in Hawaii while an environmental impact statement is being conducted.

I support the bill that will permit inter-island ferry service in Hawaii while an environmental impact statement is being conducted. It is important that we keep this important alternate transportation between our islands. If the bill is unsuccessful, Hawaii will lose the Superferry.

Michael A. Winchatz
620 McCully Street #1108
Honolulu, Hawaii 96826-3943
808.949.1351 residence
808 923.9805 ext. 404 / business



10/22/2007

NO

testimony

From: Robyn Allen [allenrobyn@hotmail.com]
Sent: Monday, October 22, 2007 1:38 PM
To: testimony
Subject: My testimony today

The following will be my testimony today:

Aloha, my name is Robyn and I am here as a concerned citizen of the State of Hawaii. I am here because I believe in the rule of law.

Our state legislators created a law -- Hawaii Environmental Law HRS 343 -- to protect something that we all treasure -- Hawaii's unique and incredible environment.

Our court system -- first the Hawaii Supreme Court and then the Maui 2nd Circuit Court -- decided that the State of Hawaii Department of Transportation and the Hawaii Superferry must follow our state environmental laws.

Sadly, our governor is putting pressure on our legislators to undermine our state laws and to bypass the court system to benefit one privately owned business -- the Hawaii Superferry.

This is wrong. As you saw in Kauai, and as you will see here on Maui, it is not the will of the people. Do not trash the rule of law in Hawaii. Please, do NOT pass a bill allowing the Hawaii Superferry to operate before the court-ordered Environmental Assessment is completed. Thank you.

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

NO

testimony

From: Chris [chris@poipubeach.com]
Sent: Monday, October 22, 2007 12:48 PM
To: testimony
Subject: Super Ferry complete an EA / EIS prior to operating

Testimony to the following is shown below:

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

Aloha Honorable committee Chair and members.

My family and I respectfully request that no exceptions be made to the courts decision which requires an Environmental Assessment or subsequent EIS be completed prior to the operation of the Super Ferry's in any State harbor or waters.

We are extremely concerned about the invasive plants, animals or other organics being introduced to our island of Kauai. Please recognize that Kauai is one of the few habited Hawaiian islands with an array of native and indigenous life forms not yet threatened by mongoose, fire ants, and other pests already populating the other islands.

Chris Moore
1792 Pee road, Koloa, HI 96756

NO

testimony

From: Sarah Moon [moonsilktwo@yahoo.com]
Sent: Monday, October 22, 2007 1:06 PM
To: testimony
Subject: Superferry EIS Required

Dear Committee on Judiciary and Labor, Senator Brian T. Taniguchi, Chair,
We three residents of Hilo, Hawaii strongly believe there should be a proper EIS before the Superferry is allowed to go between the islands of Hawaii, therefore, we are opposed to the Superferry Bill as written. We agree with the 29 points in the suite filed by Issac Hall, Attorney at Law, on behalf of Maui Tomorrow.

In addition we have concerns about the use of the superferry for military transport. We strongly urge that the superfewrry not be allowed to transport the Stryker vehicles, or tanks, or ammunition of any sort.

Also there should be no transporting of live sealife and/or reef fish for commercial aquarium collectors.

We hope you will consider seriously the impact of the ferry on our lives. Thank you.

Jan, Sarah, Alice Moon
121 Lokoaka Street
Hilo, Hawaii 96720
moonsilktwo@yahoo.com

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<http://mail.yahoo.com>

10/22/2007

N/D

testimony

From: Joy Zepeda [luxuryhomesinparadise@yahoo.com]
Sent: Monday, October 22, 2007 1:32 PM
To: testimony
Subject: COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS, Senator J. Kalani English, Chair, Senator Mike Gabbard, Vice Chair

Aloha from the beautiful island of Kauai.

I am writing to submit testimony in opposition to allowing the Super Ferry to run without a E.I.S. being done first.

It has already been established that the Super Ferry is Legally required to undergo a E.I.S. before it runs between the islands. I ask that you uphold the law. Protect the citizens of the Hawaiian Islands and enforce the laws that protect endangered species such as calving hump back whales, monk seals, and hawaiian sea turtles. These are just three extremely important reason to do an EIS. So the superferry must NEVER be allowed to travel at such high speeds that would not allow them to follow the distance laws set forth to protect these endangered species.

Several (but not all) other reasons that an EIS Must be conducted first that I can recall are:

1. The Super Ferry must show how it will prevent invasive species from being transported.
2. The Super Ferry must show what security measures will be taken for passengers. I Strongly suggest that security screening should be as complete as what the airlines are doing. TSA must be involved. How will they screen for weapons such as guns, bombs, knives, etc... Surely the public must have the same security measures.
3. The Super Ferry must have a system set in place that will prevent kid-napping by estranged family members and teen-run-aways.
4. The local governments, and organizations must have a plan for dealing with the already STAND STILL Traffic ridden highways on Kauai and Maui. Last I heard, the super ferry reps said it was not their problem. Well, I disagree, if the S.F. (super ferry) intends to ship over 200 cars twice a day with tourists and residents from Oahu to Kauai or Maui, then this will have a huge impact on our roads, and beaches, and we should not wait to see what the consequences will be with all this extra traffic. Thus the necessity for a EIS!
5. The Super Ferry must have a way to make sure that the cars that came to the islands, return to their respective islands, we cannot have vechicles deserted on our beaches or highways. We do not have a car recycling plant on Kauai.
6. The Super Ferry must have a way to make sure that empty vans and trucks get off the ferry from Oahu, load up stolen goods from empty homes and estates and leave Kauai or Maui with stolen goods.
7. The super Ferry must have a way to make sure the vehicles boarding it were not stolen.
8. The super ferry must have a way to screen for the illegal transportation of drugs.

10/22/2007

These are just a few of the extremely important issues that must be addressed and considered before the super ferry is allowed to run.

Let's not wait for one of these dangers to take place, lets find a way to make sure they do not.

Mahalo for your attention to these extremely important issues.

Joy Zepeda, RA
Kauai Resident

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<http://mail.yahoo.com>

NO

testimony

From: Spencer and Paddy McDonald [psmcckean@mac.com]
Sent: Monday, October 22, 2007 1:30 PM
To: testimony
Subject: "Supeferry must get an EIS first"

Hearing notice for (10/21) Sunday's hearing that was here on Kauai:

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

NOTICE OF INFORMATIONAL BRIEFING

DATE: Sunday, October 21, 2007

TIME: 2:00 p.m.

PLACE:

King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

The existing laws are good and clear. There is no need for a special session. The eyes of the world are watching you. We can all see clearly how our government is out of control and misrepresenting the people by circumventing the laws or rewriting new ones when it is in their best interest or the best interest of a special interest. We have no more confidence in you to do what is right. We also are waking up to the truth that we hold all the power. You are failing us and we must take responsibility for our own survival and the survival of our families and for the survival of future generations.

Sincerely and humbly,

Spencer McDonald
4211 Waipua St.
Kilauea, HI 96754

10/22/2007

NO

testimony

From: Juan Wilson [juanwilson@mac.com]
Sent: Monday, October 22, 2007 1:18 PM
To: testimony
Cc: Judy Dalton
Subject: Superferry: Testimony 10/21/07 EIS First

THE SENATE
 THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR
 Senator Brian T. Taniguchi, Chair
 Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
 Senator J. Kalani English, Chair
 Senator Mike Gabbard, Vice Chair

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

NOTICE OF INFORMATIONAL BRIEFING
 DATE: Sunday, October 21, 2007
 TIME: 2:00 p.m.

PLACE:
 King Kaumualii Elementary School Cafeteria
 4381 Hanamaulu Road
 Lihue, HI

Aloha Senators:

Welcome to Kauai. My name is Juan Wilson. I am an architect and planner from Hanapepe Valley, Kauai.

The State Legislature realized the need for a sustainable plan for Hawaii when it setup the 2050 Sustainability Task Force. I was encouraged by the foresight and preparation I saw at the kickoff conference. Following that, I spent months working on a plan for Kauai, and, in doing so, had to consider the effects of the Peak Oil Tsunami that is headed our way.

Hawaii imports almost 90% of its food, and has only a week's worth of groceries on the shelf. It is alarming to realize how vulnerable we are to the vagaries of energy prices and current distribution systems.

Unfortunately, since the Task Force kickoff the its efforts have been seriously compromised. Most people in Hawaii live in a bubble. It distorts their vision, yet is more fragile than most imagine. It is obvious that no one in power wants to burst that bubble.

But let's be frank. As far as sustainability is concerned, Oahu, on its own, is doomed. With any serious interruption of the US economy, people could be starving in a month. I feel the people on Oahu intuitively realize their plight. This is the underlying reason they passionately want a drive-on-drive-off ferry. I sense they feel it to be the only escape route from an overcrowded island.

10/22/2007

The Hawaiian Islands need to be on a crash course of increasing food production by ten fold. The outer islands hold the key to that. The environment of the reefs, fishponds, wetlands, fields and forests of the outer islands will be all we have when oil hits \$200 a barrel.

The protection of our environmental health and safety is built into our constitution. Chapter 343 is our guardian. This Lingle Law is meant to overthrow the intent, spirit and letter of our environmental protections. In accommodating her, you will have punched a hole in the dike protecting Hawaii. No doubt there will be more demands for "popular" exceptions to 343. To save Hawaii you cannot let this begin.

Look forward. Be Kahuna. In hard times the Kahuna had to make hard decisions... even set unpopular kapus for the good of all. It is your task to lead us, do not let our future be dictated by mob rule, or HSF lobbyists. The outer islands will be Hawaii's the lifeboats, and we can't afford to swamp them with the Superferry.

Mahalo for your time.

Juan Wilson
PO Box 949, Hanapepe, HI, 96716
phone: (808) 335-0733 email: juanwilson@mac.com

testimony

From: Karolyn Braun [karolyn@pacificwhale.org]
Sent: Monday, October 22, 2007 1:19 PM
To: testimony
Subject: My testimony

Aloha, my name is Karolyn Braun. I have recently moved to Maui from American Samoa, where I was a college professor. I decided to come here today to testify after reading all of the articles about the Hawaii Superferry and attending some of the court hearings. We often teach our young people about the importance of following the laws and of respecting our system of government. Yet, here is the Hawaii State Legislature, looking at some way to bypass our State laws and the rulings of the courts, to let one private business come in and operate. Is that right? No. Do not make a special case for the Hawaii Superferry. Do not allow them to operate until the required Environmental Assessment is completed. Do not pass this special interest bill. Thank you.

—

Karolyn Braun, PhD

testimony

NO

From: Molokai Advertiser-News (aka The MAN) George Peabody [molokaiman1@earthlink.net]
Sent: Monday, October 22, 2007 1:16 PM
To: testimony
Subject: superferry-Lingle must be stopped

Importance: High

Attachments: Lingleout..pdf



Lingleout..pdf
(41 KB)

Testimony from George Peabody regarding SUPERFERRY-Lingle must be STOPPED
to:

COMMITTEE ON JUDICIARY AND LABOR on DATE: Sunday, October 21, 2007 on Kauai
Senator Brian T. Taniguchi, Chair Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS Senator J. Kalani English,
Chair Senator Mike Gabbard, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT

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

A G E N D A

The Committees will be hearing a Senate Bill that will be introduced at the convening of the Second Special Session of 2007 on Wednesday, October 24, 2007. The subject of this bill will be to permit the operation of an inter-island ferry service in the State of Hawaii while an environmental impact *statement is being conducted*.....

TESTIMONY by George Peabody:

SUPERFERRY-Lingle must be STOPPED, at least until AFTER an honest and complete EIS according to our Hawaii State Environmental law and the recent Court Ruling on Maui. And, Lingle should be IMPEACHED and indicted for TREASON and ABUSE of Authority and FRAUD and Conspiracy to commit TREASON against American Citizens of Hawaii.

The Hawaii Super Ferry is a SCAM similar to that mess of superferry in Vancouver BC ripping off taxpayers, destroying environment, killing whales, increasing crime because the superferry and its military escorts RULE the OCEAN against people, whales, environment, and the Constitution and Bill of Rights. Superferry is a CRIMINAL CONSPIRACY ! Prosecute LINGLE et al.

Hawaii's local lawmakers WARNED of Vancouver, BC government's disastrous venture into fast ferries.

I did a little research and found numerous articles about the fiasco, including this report >from Alberta's <<http://www.businessedge.ca/article.cfm/newsID/11739.cfm>>Business Edge

magazine: "The U.S.-based Washington Marine Group [owned by Montana businessman Dennis R. Washington], built the [three] PacifiCats at a cost of \$454 million for the former NDP provincial government, but wound up buying them back from the Liberal regime in 2003 for only \$19.4 million.

The fast ferries were mothballed after complaints about cost overruns, excess fuel consumption, cramped seating, and damage to waterfront properties and shorelines caused by the vessels' large wakes."

Vancouver isn't the only place that had fast ferry trouble. The city of Rochester, NY, bailed out Canadian American Transportation Systems, which provided service between Rochester and Toronto, after it "showed a big loss for the big boat and closed shop early," according to a three-part <http://theflowercity.blogspot.com/2006_01_01_archive.html>chronicle on the ensuing political, legal and financial woes posted in a political blog for that region.

Interestingly, Stephen Hobson, Chairman of NSC (West Indies) Limited, last year proposed starting fast ferry service between Barbados and neighboring islands, according to a report on NationNews.com.

His arguments to justify the service sounded strikingly familiar: the ferries would help farmers get their fruits to market more quickly, and allow Caribbean folks to attend cricket games on neighboring islands at prices lower than those charged by the airlines.

All he wanted in return from the government "is the provision of the proper regulatory structure and necessary physical facilities."

Despite his stated intent to have the service up and running in time for the 2007 Cricket World Cup, the project never materialized.

Ok, Calvin Say and Hanabusa, STOP the SUPERFERRY; impeach Lingle et al and kick her out of office and prosecute her for high crimes and fraud and abuse of power. Lingle is already a convicted felon, the certificate of Judgment has been provided to Duke Iona but he refuses to take action against Lingle so he too is a felon. IMPEACH LINGLE !!
see Civ.No. 06-00431 Peabody vs Lingle et al LINGLE is a CONVICTED FELON!

Superferry is for military uses. Superferry executives are keeping their eye on the money. Much of it may be military money. There were references to the military uses of the Superferry in the company's original filings to the Public Utilities Commission. The PUC application includes an illustration specifically indicating a use for the Superferry in moving Stryker vehicles to and from the Big Island.

It's possible that there are big bucks in this, and that the passenger end of the business might be only a scam. A military transport vessel cleared to operate without an IES in Hawaii's whale-rich waters would be just what the military wants. Without the environmental clearance, of course, this potentially lucrative opportunity disappears. NO EIS, NO SUPERFERRY !

A whole new realm of protest would arise if it turned out that the Superferry was really intended to be a key component of the military Stryker force.

Look at the bio for Lehman: From 1981 to 1987, Superferry's Dr. Lehman served as Secretary of

the United States Navy. As the chief executive of the U.S. Navy, Dr. Lehman was responsible for the management of 1.2 million people, an annual budget of approximately \$100 billion and total assets equivalent to those of the seven largest Fortune 500 corporations combined.

Prior to serving as Secretary of the Navy, Dr. Lehman was President of the aerospace consulting firm Abington Corporation, served as a delegate to the Mutual Balanced Force Reductions negotiations and was the Deputy Director of the Arms Control and Disarmament Agency.

This guy Lehman can certainly do more than ferry tourists and imu rocks between islands in Hawaii. Superferry's application to the PUC, we find military uses mentioned explicitly:

The vessels might also be chartered to the military from time to time for movement of troops and equipment, mainly from Oahu to the Big Island for military exercises. [p. 3]

So just why do we need a special session?

Superferry's chief financier John Lehman last week told the Press-Register in Mobile, Ala., where shipbuilder Austal is located, that the vessel is in high demand because there are few like it anywhere else in the world. He said it could easily find work outside Hawai'i as a military transport or civilian ferry.

So now we learn that the ferry is NOT in danger of going bankrupt or anything. In fact, it is in high demand elsewhere.

With military contracts in Hawaii and maybe some passenger revenue also, why shouldn't the ferry just go off somewhere to take advantage of the high demand Lehman has identified? As we learned, he's an experienced and knowledgeable guy.

Then, if and when an EIS reaches a favorable outcome, either that ferry or the other being built for Hawaii could come back and start service here.

The ferry company isn't planning to operate in Hawaii because they have kind hearts. They expect to make more money here than by deploying the ships elsewhere (or they'd just deploy them elsewhere, right?).

So let them go, they'll be back. Unless the EIS comes out against it, of course.

Cancel the special session, STOP the SUPERFERRY, and get on with the investigation of how Linda Lingle got us into this mess. Indict and impeach Linda Lingle et al for FRAUD, Conspiracy, and TREASON!

Mahalos,

George Peabody

HC01 Box 770

Kaunakakai, HI 96748 <http://www.MolokaiAdvertiserNews.com>

NO

testimony

From: Betsy Schusser [ews@hawaii.rr.com]
Sent: Monday, October 22, 2007 1:05 PM
To: testimony
Subject: Superferry

To Whom it May Concern:

I am opposed to having a special Legislative session to override the injunction to stop the Superferry until the Environmental Assessment is completed. As a West Maui resident of 18 years, I am dismayed that our Lahaina community doesn't even have a safe dependable road to access the hospital and facilities in Central Maui. I am opposed to bringing more cars to Maui until our community infrastructure needs are met; it is shameful to make our community wait year after year for the Lahaina Bypass.

The single highway that connects the 50,000 people in West Maui to essential services is dangerous and frequently out of commission. Within a couple of years, 20,000 additional approved living units will have been built in our community.

There is no other community of this size in the state that that has been neglected by the government to this extent.

Please don't waste my tax dollars on a ferry that will only bring more people here from Oahu. It was a big mistake for the Hawaii government to agree to spend our tax dollars on this project. The Superferry should be allowed to move it's operation somewhere else where it is wanted. The state should focus on building the roads and hospitals we need on Maui.

Elizabeth Schusser, MD

10/22/2007

NO

testimony

From: Mshooltz@aol.com
Sent: Monday, October 22, 2007 1:00 PM
To: testimony
Subject: Superferry Testimony - Kauai

Attention:

COMMITTEE ON JUDICIARY AND LABOR
 Senator Brian T. Taniguchi, Chair
 Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
 Senator J. Kalani English, Chair
 Senator Mike Gabbard, Vice Chair

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

Lihue, Kauai

October 20, 2007

Aloha Senators,

Mahalo for being here with us today on Kauai. It is much appreciated.

The very fact that you are here before us today, the very fact that you are even considering some sort of special legislation around the Superferry in "spite" of already existing state laws, and in "spite" of the recent court rulings, speaks volumes regarding who is wielding the power behind the scenes in our Hawaiian State Government.

The powers that be behind the Superferry are the same Military-Industrial Complex that is trampling civil liberties, the rule of Law, and the democratic process throughout this country and the world. Here In Hawaii, in the dark, behind closed doors, they have influenced the government of Hawaii to:

- illegally circumvent existing Hawaiian State laws, which has been borne out by the Hawaiian Supreme Court..**
- steer millions of taxpayer dollars to finance a venture who's proforma financial statements do not support a successful financial venture, who's CEO, John Garribaldi steered Hawaiian Airlines toward bankruptcy, and who's COO, Terry White was also the COO of Hawaii Classic Cruises, which was given a 30 year exclusive right to operate an inner island cruise line in the Hawaiian islands, until it became the largest bankruptcy in Maritime history costing US taxpayers nearly \$400 million. The Hawaiian State government has a fiduciary responsibility to handle citizen's taxpayer dollars in a prudent fashion. This is NOT a prudent investment and it is obvious that the "powers that be" behind the Superferry have influenced our State government to turn a blind eye to their responsibility to examine the credit worthiness and the management capability of the Superferry venture.**

- manipulated the media coverages. We here on Kauai have observed many examples of the way Honolulu media has been manipulated in their reporting of opinions and events that have happened on our island. The following is another example from a broader arena.

In June of 2007 the Honolulu Advertiser reported on Governor Lingle's trip to Indonesia and her efforts there to "Improve tourism and trade" with Hawaii. However, the newspapers in Jakarta, Indonesia, covering the same visit reported a different agenda:

"the governor will meet with Indonesian Vice President Muhammad Jusuf Kalla tomorrow morning, the third of a series of meetings with high-level Indonesian leaders, to discuss a state military partnership with the country."

"Indonesian Defense Minister Juwono said, "we should build up co-operations between the TNI (Indonesian Armed Forces) and the Hawaiian National Guard to beef up professionalism at the level of soldiers and low -ranking officers on maintenance of military equipment, such as helicopters and other equipment made by the United States."

The Indonesian Government through it's military is one of the most oppressive in the world.

- and finally, through their influence of Governor Lingle's "Unified Command", have brought martial law to Kauai. One aspect of this "special legislation" which has not been mentioned today is this aspect of Martial Law. If you and the legislature passes any special legislation, irregardless of it's features, you will be, in effect, affirming and authorizing the use of Martial Law against the people of Hawaii as Governor Lingle has assured us that she would do in support of this private Superferry venture.

The only reason that you are here in front of us today is that , like others throughout the world, the people of Kauai have chosen to take a stand for Truth and Justice. The choices that you are faced with today are about the very foundations of Democracy. Will our state government stand with the people, by the people and for the people for Truth and Justice. Or, will the people be forced to continue to take that stand on their own??.....Someone Must Have the Courage to Make That Stand!!

Mahalo. May God Bless You.

Michael Shooltz, Kapaa, Hawaii

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testimony

From: Poipu Plantation [plantation@poipubeach.com]
Sent: Monday, October 22, 2007 1:01 PM
To: testimony
Subject: Super Ferry needs an EA / EIS prior to operating

Testimony to the following committees for the Kauai 10-21-07 meeting is shown below:

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

Aloha Honorable committee Chair and members.

My family and I respectfully request that no exceptions be made to the courts decision which requires an Environmental Assessment or subsequent EIS be completed prior to the operation of the Super Ferry's in any State harbor or waters.

We are extremely concerned about the invasive plants, animals or other organics being introduced to our island of Kauai. Please recognize that Kauai is one of the few habited Hawaiian islands with an array of native and indigenous life forms not yet threatened by mongoose, fire ants, and other pests already populating the other islands.

Chris Moore
1792 Pee road, Koloa, HI 96756

10/22/2007

NO

testimony

From: Fern Merle-Jones [bless2u@aloha.net]
Sent: Monday, October 22, 2007 4:29 PM
To: testimony
Subject: Superferry must have EIS

Superferry must have an EIS first before sailing. Think of the mistakes that have been made in the past-- The introduction of the mongoose to kill the rats for example. If they had had an EIS, this could have been avoided but NOT if the mongoose had been introduced while the EIS was in progress, by then it would have been too late--- Let's not have history remember this event as an example such as that.
Let's not make yet another mistake.

Thank you,
Fern Merle-Jones
PO Box 603
Kilauea, Kauai, Hawaii 96754

10/22/2007

N/D

testimony

From: Marissa Sperry [msperry@hawaii.edu]
Sent: Monday, October 22, 2007 4:20 PM
To: testimony
Subject: Superferry Should Have EIS First

My name is Marissa Leimakanalani Sperry and I believe the Superferry must get an EIS. I know that there has been many arguments that other, older companies (freight companies, airlines etc.) did not have to undergo this process, so Superferry should be exempt, however we live in 2007 now. We know and care lots more about our ☐aina, and the government has made these laws for a reason. With the gain of knowledge, so follows the gain of responsibility. We need to make sure that our natural resources come before profit and money.

It is not pono to skirt around laws, picking and choosing which laws to obey. It is not legal for civilians to act in this way, and it is not legal for large companies to act in this manner either. I humbly and sincerely offer my testimony in support of requiring the Superferry to undergo and Environmental Impact Statement before any business begins.

Marissa Leimakanalani Sperry
664 Kamalu Rd.
Kapa^hana, HI 96746

testimony

From: Shosannah & Neal Chantara [chantara@hawaii.rr.com]
Sent: Monday, October 22, 2007 5:21 PM
To: testimony
Subject: SuperFerry must be held to our environmental laws!

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS Senator J. Kalani English,
Chair Senator Mike Gabbard, Vice Chair

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

NOTICE OF INFORMATIONAL BRIEFING
DATE: Sunday, October 21, 2007
TIME: 2:00 p.m.
PLACE:
King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

I live on the island of Kauai. I ask that you respect the decision of Judge Cordozzo. There should be a full and proper EIS on the implications of Superferry BEFORE any further voyages are conducted. This is the law.

The risks to our island are enormous. My concerns are many. First, environmental. Kauai is blessed to be free of mongoose and because of this we have been able to sustain native bird populations which are decimated on other islands by the mongoose. I am greatly concerned that the Superferry will bring the mongoose and bring destruction to our birds. This is but one example among many that could be sited where invasive species could be brought via the SuperFerry bringing destruction for which no remedy is available. I see no evidence that appropriate precautions are being considered, much less implemented.

I am concerned also for the sea mammals, especially the Humpbacked whales. I have seen reports showing what similar vessels have done to wildlife elsewhere.

I am concerned about the impact of increased traffic on our already overburdened island. I recently learned of a New York Times article in which a representative of SuperFerry described an intention to have not just two, but 4 or more ferries operating. This will further compound the environmental impact.

I am concerned about the impact upon local gathering grounds. The example of rocks taken from a Maui river bed after only one day of SuperFerry travel make it abundantly clear that such fears are well founded.

I am concerned that there is a hidden military agenda behind the Superferry. A look at the key people behind the project makes this very clear.

I observe that there are hidden agendas behind Superferry. Despite deceptive advertising, and initial low price specials, it is obvious to any of us who have looked into published rates for use of the Superferry that will be much MORE expensive than air fare plus car rental and therefore is not a viable alternative to air travel. However craftily hidden for the present, this truth will dawn on the general public eventually.

I am concerned that the people of the islands are being pitted against one another by corporations whose only interest is profit, by government which is aligning itself with vested corporate interests, and by corporate controlled media which is being used to manipulate public opinion.

I am saddened that the people of Kauai have been and may again be forced to put themselves at risk in order to uphold the environmental laws of Hawaii and to protect their beloved island.

I hear many references to a majority of people supporting the SuperFerry. Obviously, that majority lives neither on Kauai nor on Maui. My experience is that when people who think that SuperFerry should sail without an EIS are educated as to the concerns of people on the outer Islands, those supporters of the ferry become supporters of the LAW. We recently spoke to a couple on Oahu who were completely unaware of the concerns of people on our island. They did not know, for example, Kauai is presently free of mongoose and that importation of those mongoose could jeopardize our native bird population. Educating this couple on this one single facet of environmental impact caused them to reverse their views and agree that SuperFerry should be subjected to an EIS before sailing! You, the legislators could be doing this kind of education as you stand firm in support of our environmental laws and the decisions of our courts.

Each of the Hawaiian islands has a unique character and that is part of their heritage and charm. We need to be thoughtful that we do not destroy those differences by forcing Superferry on the outer islands against the will of the people. The people of Kauai have spoken repeatedly - through letter, petition, public meeting, and demonstration and have been repeatedly ignored by our governor. Please do not follow her lead and trample over our needs, our desires, and our voices. Please respect the environmental laws which were put in place to help insure that the decisions we make will be wise and appreciated for years to come. Please respect the Judicial branch of our government. Please respect our constitution.

The Hawaii Supreme court has ruled in favor of an EIS. It is my understanding that each and every one of you have sworn an oath which would require you to support the decisions of this court.

Sincerely,

Shosannah Chantara
Kilauea, HI

testimony

From: Vicky Butler [kauaivic@hotmail.com]
Sent: Monday, October 22, 2007 5:16 PM
To: testimony
Subject: Superferry- Please require EIS first..10/24 @ 10:30 am

Aloha and thank you for your consideration.. Oct. 24, hearing, please require the EIS be done first.. sincerely,
Victoria Butler @ P.O.Box 1555 Koloa, Hi. 96756.

Peek-a-boo FREE Tricks & Treats for You! Get 'em!

10/22/2007

N/D

testimony

From: DJ and Steve Star [djandstevestar@gmail.com]
Sent: Monday, October 22, 2007 5:14 PM
To: - testimony
Subject: Superferry - Be pono - EIS required

Hearing notice for (10/21) Sunday's hearing that was here on Kauai:

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

NOTICE OF INFORMATIONAL BRIEFING

DATE: Sunday, October 21, 2007

TIME: 2:00 p.m.

PLACE:

King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road
Lihue, HI

This whole process seems to have not taken into account doing what is pono. The Superferry company as well as the State knew an EIS was required, so why do they believe they should be able to not do one?

DJ Star
PO BOX 79
Anahola, HI 96703
808-828-0052
808-639-2173 Cell

10/22/2007

N/O

testimony

From: Miki Kaipaka [mkaipaka@hawaii.rr.com]
Sent: Monday, October 22, 2007 5:14 PM
To: testimony
Subject: superferry NEEDS EIS

- > In the early 70s after my husband, the father of my 4 young children
- > died, suddenly, leaving very little insurance and a mortgage payment.
- > I opened the first diving business on Kauai and was told that scoop
- > netting and selling reef fish wholesale for aquariums was an easy and
- > lucrative business. When I looked into it further I found that taking
- > these fish could damage the reef's eco system AND that 80% of the fish
- > taken would die before reaching the retail buyer. I chose not to do
- > that although I certainly needed the \$ to provide for my kids.
- >
- > Later, someone came into my shop planning to go out to harvest a truck
- > load of coral heads and would pay us well for the use of our boat. I
- > chose to not only refuse him but take down the license of his rental
- > car, his name and hotel and report him to the coast guard and office
- > of natural resources. Yes, I needed the \$ but our Kauai needed her
- > coral heads more.
- >
- > So, yes, the superferry could make money for people on Kauai but
- > omygod at what cost to our beloved island!!
- >
- > Please please, help protect our island and do NOT allow the superferry
- > to operate without an EIS. And if you wanted to impeach the lawless
- > governor, our aina and we who love it would be appreciative.
- >
- > with sincere aloha,
- > miki kaipaka
- > 37 yr resident, now 73 who was unable to speak or sit thru the entire
- > meeting on Kauai this past Sunday due to recent bilateral knee
- > replacements

testimony

N/O

From: Carrie Brennan [carriebrennan@hotmail.com]
Sent: Monday, October 22, 2007 5:12 PM
To: testimony
Subject: Superferry: no business during EIS

To:

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS Senator J. Kalani English,
Chair Senator Mike Gabbard, Vice Chair

COMMITTEE ON ENERGY AND ENVIRONMENT

Senator Ron Menor, Chair

Senator Gary L. Hooser, Vice Chair

I am opposed to having the Superferry run while an EIS is conducted. Generally, I am opposed to the Superferry. I wish that the people of Kauai were able to vote on having a Superferry, not having the decision made for us by those living on Oahu. I am very upset with the handing of this entire matter by the Lingle administration.

Thank you for your time addressing this matter.

Sincerely,

Carrie Brennan
6050 A Kapahi Rd
Kapaa, HI 96746

Climb to the top of the charts! Play Star Shuffle: the word scramble challenge with star power.
http://club.live.com/star_shuffle.aspx?icid=starshuffle_wlmailtextlink_oct

Fax to: 808-586-6656
NO

October 22, 2007

Dear State Legislators,

Do not allow the Superferry to operate until an EA is completed and mitigation measures are in place to protect the public's interest.

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

Stop this illegal activity!

NO EA – NO SUPERFERRY!

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

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

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

Our voices deserve to be heard!

The outer island people spoke and they were ignored.
The County Councils spoke and they were ignored.
The Court spoke and this decision is now being ignored?!

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

Please do the right thing and abide by this decision!
Please protect your public's interest from irreparable harm!

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

808 669-8856

NO

János Samu

PO Box 527

Kalaheo, HI 96741

808-332-5220

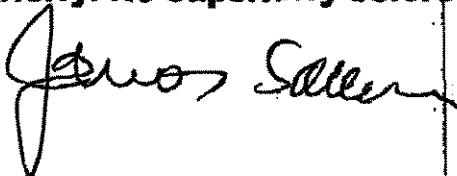
Fax: 808-332-5219

October 22, 2007**To the Senate****The Twenty-fourth Legislature****Committee on Judiciary and Labor****Honolulu****Fax: 1-800-586-6659****Re.: Superferry****TESTIMONY**

given on October 21st, 2007 informal briefing held on Kaua'i regarding the proposed bill to allow the Hawai'i Superferry to operate while waiting for the completion of an Environmental Impact Study

Based on the visible poll conducted here on the site of this hearing it is obvious that about 95% of those present oppose the allowing of the Superferry to operate before an Environmental Impact Study is completed. I am strongly opposing it too. Those people who came here have set aside other priorities, family matters, leisure time or even work schedules to be present and let their voices heard by you, senators. They did it because this issue is so important for them and for their families, friends. Apparently many of those (if there are many at all) who would support the special exemption to allow the operation of the Superferry before the EIS is completed, don't consider this as important. Hence you may consider this proportion of supporters and opponents a real-life situation, and the will of the people. You, senators, were elected to represent the people of the district you are responsible for and not the other way around, and carry through their will in legislation. The overwhelming majority of the people don't want the Superferry to operate without a favorable EIS, and as a matter of fact they don't even want the Superferry to come to Kaua'i.

I beg you, senators, represent the will of the people and stand behind them. No special exemption for the Superferry! No Superferry before the EIS is completed!

János Samu



Sergeant At Arms 586-6659

The most depressing reality exposed by the Super Ferry fiasco is not the actions or lack of action by the State government the actions of the Super Ferry executives or the actions of the attorneys representing the opposition to the Super Ferry.

What I find unnerving is how familiar some of the rhetoric espoused by the more radical end of those opposed to Super Ferry sound. I feel transported by some maniacal time machine back to the court house steps of Alabama in the early 1960's to here a Governor George Wallace speech.

When I here Super Ferry opponents speak of Humpback Whales or invasive species I know there really talking about myself and my family. Just as the African American's in the south knew that when George Wallace spoke of obeying state laws and racial or ethnic purity it meant keeping them out of the mainstream of society.

It's not surprising that there are those who feel uncomfortable even afraid of change. It was the southern red neck who epitomized seggration yet his fear of African American's taking his job away were as misdirected as the environmental questions the present day ferry opponents retreat behind.

The question of the Super Ferry has become far more than just a twin hauled vessel transporting people and vehicles between the islands. It now seems to represent; are we one State or seven loosely connected islands? Are we one people blessed to enjoy the privilege of unity and interdependence or just able to muscle on in a codependent status?

Most people in the State, as polling suggest, would answer in the affirmative that the Super Ferry stills represents the dream of a more united Hawaii. This dream as Martin Luther King Jr. would say "is firmly rooted in the American dream".

I am confident that the vast majority of the people of this State will enjoy a better life because of the option made available by the Super Ferry. That even those now opposed to the Ferry will in time come to see its benefit. That we and our children will enjoy the simple pleasure of intrastate transport our sister States on the mainland take for granted and will marvel at how we managed to get along without it.

**Paul Mossman
636 Kaha St.
Kailua, Hi. 96734
808-262-2198**

Senile
Sergeant @ arm's

1800-586-6659

Kapaa High
School student

Kai Zirker
Per 1
10/17/07 NO

To whom it may concern:

The citizens of Kaua'i believe that Hawaii Superferry has not given Hawai'i complete information about its purposes and has not addressed crucial environmental challenges. I'm committed to peaceful legal action, but this action must be taken now! We need to actively pursue the requirement for an Environmental Impact Statement (EIS) in relation to the Endangered Species Act and the Marine Mammals Protection Act.

State Government officials have argued that barges, a ramp, fencing and utilities provided for the Hawaii Superferry at the Honolulu, Kahului, Nawiliwili and Kawaihae harbors are exempt from the Environmental Impact Statement (EIS), and that there are no grounds on which an EIS would be required. Superferry officials have noted that Young Brothers, Matson and cruise lines haven't been required to undertake an EIS as a condition for it would be unfair to require an EIS for Hawaii Superferry. However, these ship lines generally move at a speed that is safe for whales; the high risk by the Superferry for Humpback Whales, which is a federally protected Endangered Species, and for other protected marine mammals should warrant and require an EIS. The same very people making a clear point that Endangered Species must be protected and saved are doing nothing but the opposite with inviting this Superferry into our "home". Can I say anything else but the word hypocrite!

Moreover, the Hawaii Superferry, which will move hundreds of cars as well as other vehicles between islands, will have a far greater cumulative environmental impact than do the other ships. The other major difference is that Hawaii Superferry received a \$140 million loan guarantee from the US Department of Transportation Maritime Administration (MARAD), which should have automatically triggered an Environmental Impact Statement under the National Environmental Act of 1969, while State taxpayers are funding an additional \$40 million in harbor improvements in support of the Superferry operations. This too, should have triggered an EIS under the Hawaii Revised Statutes.

The public has been consistent in requesting an EIS, with a formal request having been made as early as the Public Utilities Commission hearing of November, 2004. In 2006, the County Councils on Kaua'i, Maui, and the Big Island, all passed unanimous resolutions asking for an independent EIS. The Maui County Council also directed

county attorneys to join in a lawsuit against the state. Citizens have taken every know path of peaceful civil protest, including testifying in State Senate hearings on concerns about the Superferry.

Imagine an additional 280+ cars unloaded from the Superferry daily: two additional miles of traffic. The traffic in Kapa'a and elsewhere already is severely backed up, causing everyone's journeys to become longer and longer. Is the option of another means for inter-island travel worth the increased delays that we will experience daily? The Hawaii Superferry developers tell us that they have done their own traffic studies and have adjusted arrivals times to avoid the busiest traffic hours. However, it is scheduled to arrive in Nawiliwili Harbor daily at 5:30 p.m., the peak of rush hour. What impact will this have on our daily journeys?

Hawaii has never seen a vessel like this twin hull, 350-foot craft traveling at speeds up to 40 knots. Just last month, a cruise ship in Alaska was fined \$750,000 for killing a pregnant humpback whale while traveling at a speed estimated at only 17 to 20 knots. It is not a matter of if the Superferry will hit whales and their calves and leave them broken to die, but when and how often. See our letter written in September 2005 expressing our concerns to the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council. We have not had a reply. Other federally protected endangered species, including monk seals and sea turtles, are at even greater risk.

Drugs can easily be concealed in the hubcaps or undercarriage of cars traveling on the Superferry, and stolen property can be loaded into vans and transported to other islands for sale. Are we prepared to accept the risk to our children and out homes?

Each of the Hawaiian islands has its own unique and fragile ecosystem. Invasive species can easily spread from one island to the next, traveling on the undercarriages of cars transported on the Hawaii Superferry or (in the case of seeds) in the treads of tires. The Superferry is to have cleansing stations portside and to carry out inspections, but how can we sure that the inspections are effective when the projected time will only allow a few seconds to check each vehicle or random checks. Cleaning cars will not stop the worst of the threats: Coqui Frogs. The extremely tiny and damaging coqui frog could spread rapidly to all the islands, traveling on cars on the Hawaii Superferry. There is simply no way of stopping these creatures from hopping on board. Because of the

penetrating nighttime noise that they create, the coqui frog is a substantial threat to tourism and to the state's overall economic health. Already, coqui frogs are spreading by the millions to infest new areas of the Big Island daily. It has no natural enemies in Hawaii. Possessing an almost unfathomable rate of reproduction, this pest spreads like wildfire, and where it spreads, property values drop.

Has the government given the citizens the information that they need to understand what is really going on? I think not! Please ponder the things that I have said and take into consideration that this is our home, and we need to protect it by all means!

Yes

Testimony for Senate meeting on Superferry Oct. 22, 2007

Terry Murphy

Kihei, HI 96753

Senate President Colleen Hanabusa,
Sen. Rosalyn Baker, Sen. J. Kalani English

I would like to be heard on this issue of keeping the Superferry in Hawaii and in service while the EIS is done. I am a full time resident of Maui. I have many health problems and have to travel to Oahu to see Dr.'s that are not available in Maui.

My Dr's have told me not to fly, but yet I still must see them. My local Maui Dr.'s want me to use the Superferry. They know my health situation, bad neck has already had one hard landing in Kahului Airport. I need this service, I am sure there are others who wish to have the option of the Superferry as they may be unable to fly for other reasons.

What I have seen and heard of whale strikes, there would be very few problems with the Superferry! Many other private boats, even whale watch boats are a much bigger risk to whales!

I think all the airplanes that are flying now are much worse for the environment than Superferry!! So, now are 'possible' whale strikes more important than keeping these islands clean and interesting for visitor's that this State is dependent on?

What about the "impact" of all those airplanes on Global Warming? Is that less important?

PLEASE SAVE AND KEEP THE SUPERFERRY IN SERVICE!

Sincerely, Terry Murphy

Yes

SENATE HEARING FOR SUPERFERRY
TESTIMONY
OCTOBER 22, 2007

I, Betty Murphy, am a homeowner and permanent resident of Kihei. I am very much in favor of having the Superferry and having it operating as soon as possible. It will be a great additional mode of transportation between these beautiful islands.

I would like to remind the residents of these islands of the tremendous costs of all this delay. The state made a contract with Superferry more than 2 years ago. Now the state says a mistake was made. If I signed a contract to have a house built for me and then wanted to just walk away after it was built, there would be huge financial penalties attached. So it is here! We are now having to pay the penalties for the STATE'S mistakes. We -the taxpayers- are the ones who must pay the bill! This payment is going to multiply by the hundred of thousands the longer we keep the ferry from operating. Has anyone even thought about how this bill will be paid? How much more tax will be added to our already high taxes? Please don't say let the visitors pay it. We need the visitors and will lose many if we limit it to only the very wealthy who can afford the high price. Many hotel rooms will go vacant! If you must have an EIS, lets do it now and quickly and let the ferry operate while it is done.

There have been ferry boats running the coast of Canada and Alaska for many years and they have the same types of whales and fish that we have here. That is where our whales and other sealife go in the winter. This Superferry should certainly be better equipped for the task than those older types plying the Alaska waters. Also, if the Superferry is required to pass an EIS, then shouldn't all the boats coming into the harbor have the same requirement? Why is one particular boat singled out for this requirement?

Thank you very much for your consideration of the people's opinions. I certainly hope this can be resolved for the benefit of all.

Sincerely, *Betty Murphy*
Betty Murphy (808) 879-0005

E-mail: *Bettymm@aol.com*

NO

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

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

Testimony October 22, 2007

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

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

This I know:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mahalo.

Madge Schaefer
520 Mikioi Place
Kihei, HI 96753
(808)874-9293

Yes

October 22, 2007

Committee on Judiciary and Labor
Committee on Transportation and International Affairs
Committee on Energy and Environment
Hawaii State Senate
Honolulu, HI

RE: Inter-island ferry service

Honorable Senators:

I am writing in support of legislation that would permit the Superferry to operate while the State prepares an Environmental Impact Statement. I have read the proposed Bill and support it.

I have also read the 29 conditions proposed by Isaac Hall. I find them reprehensible and arrogant. Many of the conditions violate personal privacy rights. Many suggest that the right of free movement by individuals should be restricted. I support none of the conditions.

What I find worst of all is that Hall has singled out one business for "super screening" while other businesses that have created problems of invasive species go totally unchecked and have for years. The coqui frog and the stinging caterpillar did not arrive on Maui via the Superferry. Neither did the many alien species plants. Those arrived by the uninspected containers brought to Maui by Young Brothers. Which brings to mind a huge question as to the real motivation of Maui Tomorrow, Sierra Club, et al.

The whale issue has been blow out of proportion. We all want to protect the whales. However, the impact of whale watching boats to the whales is a greater threat than the Superferry. I have read several scientific studies by NOAA and those reveal a high incident of damage to whales by whale watching craft. Coast Guard records in Alaska show no whale strikes by ferries and over a period of four years only one whale strike and that was by a cruise ship! Our whales reside in this area of Alaska most of the year! Superferry already has a reasonable plan for protecting the whales.

For your information, I have prepared a chart, which makes a comparison between Superferry and other Maui harbor users. While simple, it does address many of the issues. I did this research on my own and spoke directly with various departments.

Page 2

The Superferry organization did what it was directed to do. It was told that no EIS was necessary. Now, a legitimate business providing a legitimate service to the people of Hawaii has been stopped, for no fault of their own. The Court has seen fit to make a different interpretation of the law and now, the Legislature, exercising its power of checks and balances, has an opportunity to right that wrong.

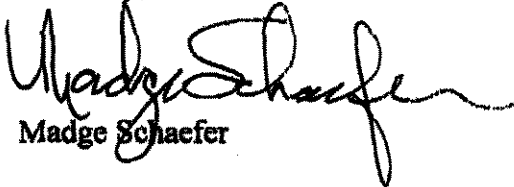
Superferry has made good rules to protect the environment. I urge you to support good corporate behavior and allow the Superferry to start this much-needed service.

By the way, I did not attend the local hearing held on Maui. I have attended many of the hearings and found that the behavior of the Superferry opponents to be rude and intimidating to any speaker expressing support. The last meeting held here by Senator English and Tsutsui was the worst.

I urge you to pass this proposed legislation without modification. Allow the Superferry to begin operation while the EIS proceeds. To do anything less, or to place burdensome conditions, would be unfair.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Madge Schaefer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Madge Schaefer

Attachments

HAWAII SUPERFERRY**OTHER MAUI HARBOR USERS**

Prepared by Madge Schaefer

Whale Avoidance Plan include two add'l on-board observers during whale season. Plan received support of Hawaiian Islands Humpback Whale National Marine Sanctuary Committee.

Whale Season route changes will minimize whale sanctuary travel

Superferry design (catamaran) limits contact with water. No props

Dock Time will be about 1 hour

Invasive Species inspections will require that vehicles are clean and cargo rules will require certified crops

Invasive Species Representatives had a role in the planning of Superferry.

Invasive species carried by passengers Inter- island

EIS not required by federal government. State of Hawaii Department of Transportation for Superferry. DOT decision was reviewed by State Office of Environmental Quality Control which affirmed no EIS. County of Maui has no jurisdiction to require EIS. Lawsuit Judges (both State and Federal) have ruled that no EIS is required. Judge Cardoza ruled that the DOT complied with state law when planning harbor improvements to accommodate Superferry. In any case, Hawaii Superferry would not have to do an EIS, as DOT is providing barge. This info as of 4/2006.

Recreational user impacts will be Minimized because limited duration times that Superferry will be in port.

Canoe Regattas may be stopped when Superferry enters harbor. Regattas take place 4 days a year at Kahului harbor.

Cruise ships, freighters, barges-None
Per DOT "Not asked or required"

No seasonal route changes except Matson which travels north of Molokai during whale season. Cruise ships travel right thru sanctuary.

Conventional ships and barges have greater mass in water. Conventional propellers.

Most ships are docked for at least 12 hours

No requirements for clean vehicles
No inspections except for produce, cut flowers and Christmas trees. When time, vehicles from Matson and CSX inspected. No inspections for Young Bros vehicle cargo.

Program to "raise awareness" of invasive species begins in April 2006. No inspections.

Passengers are typically a low risk pathway. No cruise passenger inspections.

Past Expansion of port activities did not require an EIS. Despite dramatic growth, no demands for EIS nor any lawsuits filed.

Homeland Security sets rules for all harbor users. Security Plan to be submitted to Coast Guard by Superferry

Canoe regattas are currently stopped when ships enter or leave harbor

Page 2**Traffic study done**

No traffic studies/ mitigation measures mitigation by current users including cruise ships. No study for new YB ship 500+ vehicles

Traffic generated from Superferry will be at off peak hours—late morning.

Traffic, including heavy trucks carrying containers, is generated all day long. YB ship JeanAnn can carry 500 + vehicles.

Traffic will be intensified at Intersections near Superferry

Traffic is also intensified for short times at canoe club events, cruise ship arrivals, Maui Arts & Cultural Center Events

Illegal drug trafficking —plan with law Enforcement in place

No inspections

Campers/fishermen will bring invasive species to Maui

No special inspection at port(or airport) of sports equipment

Formal operating agreement between Superferry and State

No formal operating agreements
"Gentlemen's Agreement" for space allocation. Do operate under tariff.

Sewage disposal—Pumped to Sewage treatment plant

Dumping permitted 3 nautical miles out

Cheaper transportation inter-island

Rates have risen steadily for cargo.
Oct. 22, 2007, LCL rates went up 15%.

Cheaper transportation for passengers

Airline fares have risen so high to be cost prohibitive to many families

Superferry has held public hearings
Twenty two(22) public hearings have been held across the state. Seven(7) hearings on Maui plus one held by Senators English and Tsutsui.

Additional Information**Whale Strikes**

Investigating whale strikes in Alaska in Juneau area, where there are a large number of ferries operating, I spoke with Lt. Jensen (808) 873-3104/873-3105 of the US Coast Guard Station Maui. Lt Jensen spent four years (2001-2005) based with Coast Guard in Juneau, Alaska. Humpback whales feed in this area most of the year. He inspected ferries including the high-speed ferry. Ferries used prudent navigation, which included an observer on the bridge watching for debris and marine mammals. Lt Jensen reported that during those four years there was no report of marine mammal strikes by ferries. There was one report of a cruise ship striking a whale.

More Alien Species Stuff

Carol Okata at Dept of Agriculture advised that vehicles arriving in Kahului Harbor on Matson and CSX are inspected as time permits. Young Brothers vehicle cargo is not subject to any inspection. DOA is currently preparing a risk assessment study for all the harbors in the state including Kahului.

Diana and Rick Tolin
76 No'olu Street
Kihei, Hawai'i 96753
(808) 891-9082

NO

October 22, 2007

From: Rick Tolin

To: Hawaii State Senate delegation
(via fax (808) 586-6659)

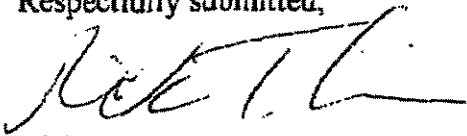
Re: Superferry law

Three points for today's testimony on Maui:

- 1) Frame the issue in reality: The ENVIRONMENTAL PROCEDURES law was **BROKEN**. That is the crux of the SC Decision. You are being asked to excuse, accept and fix their *lawbreaking*. You have the option **LET THE LAW TAKE ITS COURSE!**
- 2) Embrace the Science! The real science gathered during the EIS will tell us clearly how this big boat can do its thing the best way possible. The DOT will accept the real science, ignore the junk science, and let this thing sail. Then Isaac Hall and the rest can sue the DOT and see if the Court will second-guess the DOT's good faith efforts. The Court won't second-guess a good faith finding by the DOT. And then, we can take the next boat.
- 3) Have foresight. Please. Think of Hawaii's image. The 'aina and our reputation are now on the same side. You think the national coverage looks bad now? Think! What do you expect people will do? With their signs, and their surfboards, and their cars! What do you expect to see on CNN, if you let this thing sail now? Just stop!

Let the law run its course. Its our ENVIRONMENTAL LAW. Just say no!

Respectfully submitted,



Rick Tolin

NO

MON 10/22/07

ALOHA:

THANK YOU FOR GIVING ME THIS
OPPORTUNITY TO EXPRESS MY
THOUGHTS.

I DO BELIEVE A FERRY MAY
BE AN ALTERNATIVE TRAVEL
SOLUTION, BUT THIS FERRY
SHOULD NOT SAIL TIL THE
STUDY IS COMPLETE. YOU CAN'T
UNRING THE BELL.

BE CAREFUL THINK OF
YOUR GRAND KIDS !!

MAHALO,

Kay Elson

KAY ELSON
PO BOX 562
KIHU. HI 96753

H. 875.2771
W. 661-3515

NO

Aloha, my name is Erin Iberg and I am a resident of Maui County. I live here because I love the ocean and the whales. I have followed the story of the Hawaii Superferry with great concern and was relieved when the courts decided that an Environmental Assessment would need to be completed before the Hawaii Superferry could operate.

This made real sense to me. It is Hawaii's Environmental Law and it forces the State and the Hawaii Superferry to identify all of the environmental issues and resolve them early on -- when everyone is most motivated to solve the problems.

Now the governor is calling for a special session to bypass the courts and to let the Superferry operate now. In the bill that is being proposed, the governor would be the one to create the conditions and protocols that the Superferry would operate under until the Environmental Assessment is completed.

I know that Governor Lingle wants the Superferry very badly -- so isn't this like having a fox guard the henhouse? I urge you -- do not pass this bill. Thank you.

Michael H. Ferguson

Yes

October 22, 2007

HONORABLE SENATORS:
HAWAII STATE CAPITOL
Honolulu, HI 96813

Honorable Senators:

Colleen Hanbusa, President, Hawaii State Senate

J. Kalani English, chair, Transportation and international Affairs

Mike, Gabbard, Vice Chair

Ron Menor, Chair Energy and Environment

Gary L. Hooser

Brian Taniguchi, Chair, Judiciary and Labor

Clayton Hee, Vice chair

RE: Relating to transportation

Dear Senators

Mahalo Nui Loa for taking the time to hear the concerns of the residence of the State of Hawaii prior to the convening of the special session of 2007 on Wednesday, October 24, 2007

First of all, let me say that I'm for the super ferry. Please let the super ferry sail while the EIS is being conducted. My reasoning for this is:

1- Whale collisions have occurred in Hawaiian waters due to the fact that tour companies were chasing and going towards the whales. The super ferry will be doing the opposite, they will be avoiding any whales, not going towards the whales.

2-Washing vehicles. Young brother and Matson and other vehicle transportation companies are not required to wash or even inspect any of the vehicles it accepts

*for transporting to any outer Islands. FAIR! is FAIR!
I have seen many vehicles and some heavy equipment off loaded(roll on roll off)
that were in fact dirty with mud and grass on the undercarriage and also on the
tires.*

*3-The ban which Judge Cardoza ruled on only applies to Maui's kahului harbor.
Not Kauai or the Island of Hawaii. He did not make the ruling for all the other
Islands.*

*If you require a full EIS for the super ferry, with conditions, than, please apply
the same conditions for all companies which had harbor improvements done to
accommodate their vessels. Again, FAIR is FAIR.*

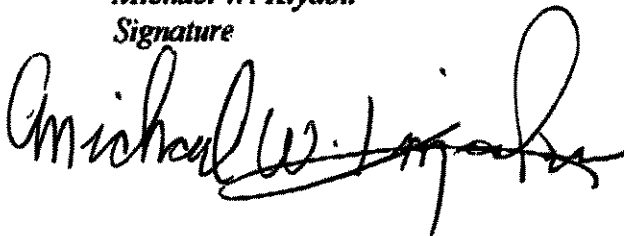
*Senators, please understand that there are a lot of people and businesses
who are willing to use the super ferry, many, many of these people didn't
come forth to testify because they felt uncomfortable or afraid that they are
going to be heckled and booed by these so called legal protestors.*

*Senators, please understand that these people only represents less than 1 6th
of the people on Kauai, the other 50 plus thousand want the super ferry.*

*In closing, let me just state that we are one State divided by water. Please
make the right decision for all of the people in our State of Hawaii.*

Aloha and Mahalo Nui Loa

*Sincerely,
Michael W. Kiyabu
Signature*

A handwritten signature in black ink, appearing to read "Michael W. Kiyabu", with a stylized flourish at the end.

PS: E-MAIL: mwk158@hawaiiantel.net

Richard Michaels

96 Makena Road
Kihei, HI 96753
(808) 879-9341

NO

Testimony regarding Superferry Special Session
October 22, 2007

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

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

Irreparable harm. Unfixable.

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

But now you are threatening to circumvent those rulings.

What kind of a message does that send?

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

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

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

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

This is a tragedy waiting to happen. And when someone is injured or killed it will be on your heads. It will be your responsibility if you set an example by saying the way to get what you want is to circumvent the law.

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

NO

testimony

From: freelance [freelance@hawaii.rr.com]
Sent: Monday, October 22, 2007 9:27 AM
To: testimony
Subject: Super Ferry Proposal

Please DO NOT SEND AN ANTI-ENVIRONMENTAL, ANTI-LAW MESSAGE to the world from my home, Hawaii.

Covering Lingle's initial and continuing mistakes is like our Congress covering George Bush's mistakes and continuing mistakes...instead of honoring laws and the will of the people.

Please stand up against law-breakers (even if they're your cronies) and begin to stand for the people. We elected you to start to be MORE responsible, to PROTECT Hawaii, to SLOW DEVELOPMENT – not to continue to cover for each other when gross mistakes and negligent errors are made.

By even calling a special session you send the wrong message. By covering for Lingle again and again you erode any chance of public and political support.

Please honor the third branch of our democracy, do not reward Lingle for gross mistakes, and wait for the proper EIA to take its course. The law wasn't enacted to be changed at a whim – and it says no... until an assessment is pau.

It's never too late to do the right thing.
Please do it now. Just say NO.

Respectfully,
Karen Jeffery

Resource Unlimited ~
Organizational Strategies

testimony

NO

From: Rob Kinslow, R [omcreations@riseup.net]
Sent: Monday, October 22, 2007 8:56 AM
To: testimony
Subject: Your children are watching with eyes pleading for your kokua

Aloha Legislators

I am a concerned citizen, a property owner, taxpayer and I want to express my opposition to the exemption your colleagues are contemplating for the ferry.

Ask yourself if your children will approve of the actions that you are taking to undermine the environmental laws of this aina.

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws.

The ferry is not a sustainable mode of transport.

If you decide to intervene, we the people must set the guidelines for operation. Do not allow the Lingle administration to set guidelines.

The ferry "military" corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a precedent for other corporations seeking to do business in Hawai'i.

Regardless of how you may feel about the Superferry and the need for its services, changing the laws that govern OUR children's natural resource bank and the environment is not the approach that is most sustainable.

Here are some of the reasons I feel so strongly about upholding Hawaii's current environmental laws:

- Hawai'i's EIS law should be upheld because it provides a crucial layer of protection for Hawai'i's irreplaceable natural and cultural beauty.
- The proposed legislation to exempt the Superferry from its obligations under the law is overbroad. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books. Proposed conditions on the operation of the Superferry fail to address to legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment.
- Public participation is essential to a well-functioning democracy! Hawai'i's EIS law provides a rare opportunity for public hearings. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear

from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.

- Special treatment for special interests creates a precedent of uncertainty about when and if Hawai'i's laws will be applied and upheld, and for whom. Good business and economic development requires wise governance and certainty about the rules by which all businesses must play. The rule of law must be respected by all levels of government to ensure our system functions properly.

- Strong protection of public trust natural and cultural resources depend on upholding the law. Laws that are not upheld or enforced are shibai and useless!

- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete environmental review will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption now will not.

Rob Kinslow, R
LifeVoice
2719 Laniloa rd
Honolulu, HI 96813

808-537-3399

NO

testimony

From: Peter Hain [hainp004@hawaii.rr.com]
Sent: Monday, October 22, 2007 7:28 AM
To: testimony
Subject: Superferry Testimony

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

NOTICE OF INFORMATIONAL BRIEFING

Aloha Senators Taniguchi, English, and Menor:

I am opposed to allowing the Superferry to operate in state waters and use state harbor facilities until an Environmental Assessment and Environmental Impact Statement is completed. The courts have ruled on this matter and it is your responsibility to enforce the laws of the State of Hawaii.

Thank you,

Peter Hain
73-1066A Ahikawa Street
Kailua Kona, HI 96740
808-325-5855

DATE: Tuesday, October 23, 2007
TIME: 3:00 p.m.
PLACE: Kealakehe High School Cafeteria

74-5000 Puohulihuli Street

Kailua-Kona, HI

10/22/2007

Yes

testimony

From: umi10@aol.com
Sent: Monday, October 22, 2007 7:30 AM
To: testimony
Subject: Fwd: Testimony for hearings held on Oct. 21-23, 2007 for special session

-----Original Message-----

From: Umi10@aol.com
To: testimony@capitol.hawaii.com; reps@capitol.hawaii.gov; sens@capital.hawaii.gov; governor.lingle@hawaii.gov; ltgov@hawaii.gov
Cc: Umi10@aol.com
Sent: Sun, 21 Oct 2007 5:28 pm
Subject: Testimony for hearings held on Oct. 21-23, 2007 for special session

I submit this testimony in support of getting the Superferry to operate while the EA and/or EIS is being done. This testimony is for the Hearings held on October 21-23, 2007 for the special session.

I am in support of the Superferry operating while the EA and /or the EIS can be done.

Finger pointing and blame can be determined later if there is any to be placed.

Let us all put our differences aside and get the ferry up and running and hopefully Governor Lingle will put in all the proper inspectors and enforcement personnel to protect the environment and enforce the laws.

Respectfully Submitted,
Jeanne M. Sharp
2718 Puuhoolai Street
Kihei, Maui, Hawaii 96753
A Registered Voter

e-mail: umi10@aol.com

See what's new at AOL.com and Make AOL Your Homepage.

Email and AIM finally together. You've gotta check out free AOL Mail!

Yes

testimony

From: Susan McGeachy [mcgeachy@hawaii.rr.com]

Sent: Monday, October 22, 2007 7:44 AM

To: testimony

Subject: Super Ferry

Dear Senators,

First I would like to testify in FAVOR of the Super Ferry coming to the Big Island. The SF would bring new opportunities to the outer islands.

We can take our agricultural items on the boat to market.

We can take our horses to other islands to compete rather than drive in a circle and compete against the same crowd.

I can see Young Brothers and Matson trying to stop this Ferry. They won't be able to over charge us \$400.00+ to ship a vehicle interisland.

I can see a few people not liking the way this Ferry came about. The choice should have been put to the vote of the citizens of Hawaii. All requirements should have been met prior to giving the go ahead.

Please let the Ferry operate during the EIS study. There are Ferries in Washington State, Alaska, Mass., and Many other countries of the world. I researched and researched it and NOT ONE Ferry hit a Whale. The Whales are constantly being injured by the Fishing industry due to nets. Are we going to stop fishing to save the Whales?

It is a few people that ruin it for all of us. Let's get on board and open the doors to the other islands.

If Kauai doesn't want it then leave them out, and bring it to the west and east side of the island of Hawaii.

Signed, Sick of being ripped off
Resident of Kailua-Kona since 1988
Mrs. McGeachy
808-989-4182

10/22/2007

No

testimony

From: Bruce Erfer [khillside@hotmail.com]
Sent: Monday, October 22, 2007 8:03 AM
To: testimony
Subject: testimony-Sferry

from: Bruce Erfer, Lahaina, Maui

Two issues:

1. How can such an operation be allowed without any parking? -- both on Maui & Oahu. If I wish to drive to the Kahului harbor and take the ferry, what do I do with my car--park it at the airport. & take a cab?????? There must be designated parking, overnite & longterm at the facility or via a shuttle system.
2. How can the PUC agree to a rate structure one month, and then shortly thereafter allow a 31.5% fuel surcharge, which is not a fuel surcharge at all but a rate hike of this amount. Fuel is only about 1/4 of the cost expenditure for the ferry. Who's running the PUC ship ??????

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http://www.reallivemoms.com?ocid=TEXT_TAGHM&loc=us

Laurie Pottish
2892 Iwalani St.
Pukalani, HI 96768
(808)572-0863 FAX (808)572-0863
pottishl001@hawaii.rr.com

NO

TO: Superferry Testimony

FAX NUMBER: 586-6659 Date: Oct. 22, 2007

Number of Pages Sent : One (Including Fax Cover Sheet)

To Whom It May Concern:

I would like to express my vote that the Superferry NOT be allowed to operate BEFORE completion of the EIS. That is the law and should never have been overlooked in the first place.

Sincerely,

Laurie Pottish

testimony

N/O

From: Nancy Shearman [nws@maui.net]
Sent: Monday, October 22, 2007 8:44 AM
To: testimony
Subject: No special session

Aloha,

I do not want a special session to consider Superferry operations while the environmental assessment is being done. It will be too late then. The damage to our environment, traffic control, invasive species - thefts of our natural resources, will have been done. Tourist after tourist write asking those of us who live here on Maui to protect what beauty we have, and that's what environmental impact statements are for.

Obey the law. Isn't that what we are trying to teach our children?
Well, they learn by example. Gov. Lingle's actions say if you can't go around the law, then change it. She has separated herself from the transportation chief, leaving him out in the cold, upset about what other people are going to think of doing business in Hawaii. That's so Republican, big business at the expense of anything (usually the environment) that gets in its way. Her loyalties and concerns need to be with her constituents. When she is representing Hawaiians by showing respect for its people, environment, and laws, that is behavior that makes Hawaii a good place to do business.

This Superferry scandal was ill-conceived from the beginning. Two wrongs will not make a right. Give the present laws and judicial system a chance to do what they were created to do. No special session. No new law. No more excuses. This error in judgement falls squarely on Gov. Lingle's shoulders; do not bail her. Protect our state not her ego. Don't spend any more taxpayers' money on a special session for seat of the pants legislation. Honor Hawaii and the aina.

Aloha,
Nancy Shearman

No

testimony

From: Gary Elster [gse@hawaii.rr.com]
Sent: Monday, October 22, 2007 9:11 AM
To: testimony
Subject: Super ferry emergency hearing Maui 10 22 07 3:00 pm

I am writing to state my opposition to the proposed Super ferry Bill on the following grounds:

1. A special purpose bill to overturn a court decision undermines the separation of powers and encourages disrespect for our laws and courts and in my opinion is very bad policy.
2. If the legislature in its wisdom should decide that it is ok to overturn a judicial decision, then i would strongly recommend that the legislature include all necessary conditions to ensure the environmental integrity of the project and not rely on the governor to do proper oversight since the governor hasn't been able to even staff agriculture inspections to date. Further,an oversight task force would be a powerless entity that could only report to a legislature that could at most pass additional bills that the governor could veto. Therefore no bill should be passed that does not have ironclad protections for the environment that the government could not avoid or neglect.

Gary Elster
145 N. Kihei Rd,
Kihei 96753

access1

From: Jacqueline Kozak [jackiekozak@hawaiiintel.net]
Sent: Monday, October 22, 2007 12:56 PM
To: testimony
Subject: From KauaEi

NO

I am a resident of Kaua'i. My work focuses on invasive species outreach. I am speaking for myself in support of an EIS first.

In terms of invasive species...

If an invasive species is introduced by the HSF while an EA is being conducted, then the damage is already done-the species is loose-with nothing in place to respond to it, leaving HSF without accountability and the Kaua'i county taxpayers to clean up the mess. After our county dedicated over \$200,000 this year to our one coqui site (in contrast to the millions of state, county, and private funds spent on the Big Island's 200+ sites), this is something we are all too familiar with. This is not about picking on one business. Yes, there is much to do and consider about the inter-island transport of invasive species, which has been happening long before HSF came on the scene. However, the combination of cargo, people, and vehicles is categorically different than existing transportation methods, and we know now what we didn't know then and can do something about it. Additionally, it is important to note that we have federal assistance with the one by one inspections conducted at the airport, something that will not be possible with the time allowed during the quick loading of the HSF. In Samoa, EVERY single vehicle is washed before boarding the ferry. Some things are worth waiting for.

The employees of the HSF and members of Lingle's administration are not qualified to assess the impacts nor determine or enforce mitigation.

And, this is where your Sustainability 2050 Plan comes in...

I had the privilege of being a scholarship recipient to attend the Summit last month. I sincerely commend you for your efforts on this plan and overturn of Lingle's veto. I am sure you join me with sadness when hearing from the bright panel of local high-school students that none of them plan to stay here. One young woman articulated because that the youth feel our state acts on behalf of special businesses and tourists rather than for she and her peers.

Our sustainability means honoring the future generations, who rely on the preservation of our natural resources. Our sustainability is vitally dependant upon our environmental laws---set up for the common good, with long term vision, not pleasing short term desires. Our sustainability means using prudence and wisdom when choosing which businesses we, the taxpayers, support to operate in Hawai'i .

Please ask yourselves...

Is this particular business one that serves our sustainability? Is it worth saving through a special session with international attention, long term impacts, and set precedence?

This company who promised their investors and planned to operate ONLY if they did not have to conduct an EA.

This company who after hearing the Supreme Court ruling hurried ahead the start date with \$5 fares.

This company who tipped off the press in time to take photos of their distraught employees (furlough is an internal decision), insensitively using them as a public leverage.

This company who has fueled division in our community and has been criticized by our Senate President Hanabusa as not being a very good neighbor.

Is this PARTICULAR large ferry vessel company worth saving through a special session?

I agree that an alternative form of transportation may be needed for Hawai'i. A ferry is not an inherently bad idea. But, let's only welcome a company who includes an EIS in their business plan from the start. This monumental case can inform prospective businesses that Hawai'i is open for business to those who respect our environment: the core of our economy, the key to our sustainability.

Let's tell the Hawai'i Superferry that after 6000 signatures from Kaua'i, three county resolutions, and two court rulings that no means no without an EIS first. Please show us that our government works. Please show us that neighbor islands have a voice.

I sincerely ask you...

Please make this, as you did with overriding Lingle's veto of the 2050 plan and cargo fee for invasive species prevention, a bold decision demonstrating not only your belief in, but your commitment through action to the sustainability of Hawai'i.

Mahalo nui,

Jacqueline Kozak

--

Jacqueline M. Kozak
Kaua'i Community Outreach
Hawai'i Invasive Species Council

P.O. Box 783
Kilauea, HI 96754
(808) 346-5390 cell
jkozak@hawaii.edu

access1

From: MARK HUFF [markdean16@hotmail.com]
Sent: Monday, October 22, 2007 2:13 PM
To: testimony
Subject: SUPERFERRY - SAVE IT

Yes

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair

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

DATE: Wednesday, October 24, 2007
TIME: 10:30 a.m.
PLACE: Auditorium State Capitol
415 South Beretania Street

GENTLEMEN,

REGARDING THE MEETING HELD SUNDAY, OCTOBER 21, 2007 AT KING KAUMU'ALI'I ELEMENTERY SCHOOL IN LIHUE, HERE ON KAUAI....

I HOPE YOU ARE AWARE THAT SUCH A MEETING MOSTLY BRINGS OUT THE NAY-SAYERS AND THE VOCAL MINORITY. A HUGE MAJORITY OF PEOPLE ON KAUAI WANT THE SUPERFERRY SERVICE TO START AS SOON AS POSSIBLE. YES, A MAJORITY WOULD LIKE TO SEE AN ENVIRONMENTAL IMPACT STATEMENT AT SOME POINT IN TIME, BUT DON'T FEEL IT IS NECESSARY BEFORE SERVICE COMMENCES -- BECAUSE A STUDY BEFORE SERVICE BEGINS WOULD ONLY BE A GUESS AS TO IT'S IMPACT.

AND THIS IS NOT JUST ABOUT THE SUPERFERRY. SAVING THE SUPERFERRY, SAVES THE REPUTATION OF THE STATE OF HAWAII AS A PLACE TO DO BUSINESS. THE NEWS STORIES ON THE MAINLAND HAVE ALREADY DONE DAMAGE, BUT IF THE SUPERFERRY IS "SUNK" AND FORCED INTO BANKRUPTCY BECAUSE OF A POORLY

WRITTEN BILL, THE HARM WILL BE BEYOND REPAIR. NOT TO MENTION THE HUNDREDS OF MILLIONS OF DOLLARS

IT WILL COST THE STATE IF THE SUPERFERRY IS NOT ALLOWED TO DO BUSINESS.

YOU ARE THE PEOPLE WHO MADE THIS FLAWED LAW. YOU ARE THE PEOPLE WHO MUST FIX IT AND FIX THE COSTLY SITUATION THAT IS THE RESULT OF THE YOUR ACTIONS AND THOSE OF OTHERS IN OUR GOVERNMENT.

WHAT YOU DO NOW, WILL BE REMEMBERED ON ELECTION DAY. PLEASE, DO THE RIGHT THING FOR THE MAJORITY

10/22/2007

OF PEOPLE ON KAUA'I AND IN THE STATE OF HAWAII...AND THE SUPERFERRY.

MAHALO,

MARK D. HUFF
1616 PAPAU PLACE
KAPA'A, HI 96746

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

10/22/2007

Yes

access1

From: Anthony O'Keefe [a.okeefe@lgrinc.com]
Sent: Monday, October 22, 2007 2:18 PM
To: testimony
Subject: Please Let the Ferry run

The town meeting in Kauai yesterday was packed by the folks who want to stop anything from happening here. How many normal people can take 5-6 hours out of their day to wait to say anything? I am a Ph.D. Chemist with 30 years of experience and I believe that virtually all of the silly "environmental problems" that have been cited are greatly exaggerated. If problems develop we can fix them. We cannot afford to simply stop the world to suit the environmentalists. Most of them are not bad, just misguided.

Please don't go back thinking that everyone in Kauai agrees with these people. As a resident, I can say that most people I know want the ferry service to start and to expand. It will be good for the local economy and vital in any emergency.

Please stand up and make this HAPPEN!!

Anthony O'Keefe

10/22/2007

access1

Yes

From: anok@aloha.net
Sent: Monday, October 22, 2007 2:31 PM
To: testimony
Subject: Approve the Ferry Service

Sirs,

I think the meeting sunday in Kauai was packed by the groups aligned against the ferry service. My family certainly could not spend an entire day waiting to speak, and I don't think many normal people could. The Sierra club folks are well organized and are, frankly, intimidating (see how they behaved when the first ferry arrived in Kauai in August).

The ferry service would be a great benefit to the economy of Kauai. The arguments made against it are smoke and mirrors. Please stand up and make this happen for all of us.

Noel OKeefe
Princeville, Kauai

access1

NO

From: Bob Collopy [bhcollopy@mac.com]
Sent: Monday, October 22, 2007 2:39 PM
To: testimony
Subject: Superferry Legislation

Honorable legislators,

I am not against the Superferry. I AM against sailing it before at least completion of an Environmental Assessment. I am appalled by our Governor's attempt to bypass any study regarding this vessel's sailing inter-island.

I think what bothers me most:

- 1) An EA could have been done before or during the time the ship was being built,
- 2) Clearly big money is what moves the Governor, with no regard to our lovely island,
- 3) The end (Superferry) justifies the means (change existing laws that protect our island,)
- 4) The Governor is more concerned about her image than preserving our islands,
- 5) Superferry corporation flaunted the law by a) coming here without proper respect for the law
b) sailing before Judge Cardoza's tro order,
- 6) Superferry is playing on peoples' sympathies by saying how hard it will be for employees, and
by hiding behind the patriotism flag, giving free rides to the troops -- implying that if you are
against the Superferry's sailing you are uncaring and unpatriotic.

I strongly urge you, our representatives, to listen carefully to the people and the law. Thank you for taking this consideration on today.

Aloha,

Bob and Harriet Collopy 2741 Leolani Place Pukalani
96768-8649 572-3757

access1

NO

From: greene [chg2@cornell.edu]
Sent: Monday, October 22, 2007 2:50 PM
To: testimony
Subject: Testimony for Oct. 24 hearing

Importance: High

Dear Senators:

This is my testimony for the Oct. 24 hearing. I am a professor of oceanography at Cornell University and an internationally recognized expert in Marine Bioacoustics. Although I am not a resident of Hawaii, I conduct research and teach every year on Hawaii Island. I also will be spending my sabbatical leave in Hawaii starting in January 2008. I would like to make two important points.

My first point is that I am an advocate of the superferry service if it can be done in a manner that minimizes its environmental impacts. This is why an environmental impact assessment should have been completed long before we got into the present situation.

My second point is that operating the superferry service prior to completing the environmental impact assessment will entail great financial risks for the private company as well as the state. When the superferry collides with a humpback whale (it is not a matter of if, but when), the operation of the superferry service will no longer be a state issue, it will become a federal one. Without an assessment of potential "take", such a collision will place the superferry service out of compliance with Marine Mammal Protection Act and the Endangered Species Act. Given the history of the superferry service's permitting process, I would anticipate that a federal judge would immediately suspend operations until compliance can be reinstated. This reinstatement would undoubtedly be more complicated and require more time than if the issues were dealt with properly up front. This raises the following questions: 1.) will the private company remain financially solvent during such a delay, and 2.) what are the costs to the state if the company goes bankrupt?

So, without even addressing the environmental risks directly, I am of the opinion that the state is taking great financial risks by initiating service prior to the completion of an environmental impact assessment. My final rhetorical question to the senators - is it worth assuming those risks?

Sincerely,
Charles Greene

--
Charles H. Greene, Director
Ocean Resources and Ecosystems Program
Department of Earth & Atmospheric Sciences
2130 Snee Hall, Cornell University
Ithaca, NY 14853-2701
Telephone: (607) 255-5449
FAX: (607) 254-4780

NO

access1

From: Zett Amora [zettamora@sbcglobal.net]
Sent: Monday, October 22, 2007 2:52 PM
To: testimony
Subject: Superferry Hearing Testimony

THE SENATE
THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

NOTICE OF INFORMATIONAL BRIEFING

DATE: Sunday, October 21, 2007

TIME: 2:00 p.m.

PLACE:

King Kaumualii Elementary School Cafeteria

4381 Hanamaulu Road

Lihue, HI

Aloha:

As a resident of the beautiful state of Hawai'i I am quite concerned with how the HSF business has been handled by Governor Lingle and others who, like her, are clearly placing commerce and money above the well being of our natural environment. It is apparent by the actions of Gov. Lingle and her associates that their priorities do not align with my own and those of many, many people of these islands. There are many of us here who recognize the urgency of keeping our waters, sea creatures, and coral beds in good health. Hawai'i, it has been noted, has some of the healthiest coral beds on earth yet we are mere inches away from allowing the same type of great harm to come upon our shores just as it has to the majority of the planet. The operation of the HSF before an EIS is sheer lunacy and potential suicide for the health and well being of the natural resources in the state.

The strict environmental laws of Hawai'i are known throughout the world and has resulted in our ability to maintain clean and clear waters and sea life. Hawai'i's economy is based heavily, if not entirely, upon the availability of ocean activities. With this in mind it makes sense both economically and morally to do everything possible to preserve and protect our waters.

10/22/2007

The current law is specific and clear. To allow the HSF to operate without an EIS is an obvious law breaking event. In spite of this, Gov. Lingle is pushing to bring the HSF business here in deliberate violation of the law. I am writing today to urge our representatives to abide by the Hawai'i written law and to use common sense when considering the obvious risks of this HSF.

NO EIS MEANS NO SUPERFERRY !!!!! THE LAW IS CLEARLY STATED !!!!!

Mahalo for your time and attention to this urgent matter.

Best Regards,

Zett Elyss Amora
POBox 2572
Kamuela, HI 96743
808-936-6888

access1

NO

From: James Jones [mauijim@prodigy.net]
Sent: Monday, October 22, 2007 3:14 PM
To: testimony
Subject: FW: Superferry

From: James Jones [mailto:mauijim@prodigy.net]
Sent: Monday, October 22, 2007 2:58 PM
To: 'testimony@capital.hawaii.gov'
Subject: Superferry

To whom it may concern,

I'm the President of Pukalani Plant Co. Inc. and I'm against the Superferry. I believe an impact statement be done before operations commence. It is my opinion that the Superferry is an Oahu Centric idea. I feel that the impact of state's largest concentration (Oahu) of citizens will greatly affect the islands of Maui and Kauai. It is fairly well known that the fishing and diving grounds of Hawaii's most populated island have declined. I can see so serious issues arising when trucks loaded for a weekend of fishing and diving start arriving by Superferry from Oahu. There has already been incidents of confrontation and violence with citizens from the same island. Kalani, you know what was occurring out in Hana, Keanae and Kaupo. Also, what about the flow of illegal drugs. It seems that it will be much easier to distribute them with the Superferry than with the air travel.

There seems to be so many unanswered questions and information that has not been reported to the citizens of Hawaii. It bothers me to see how far this operation has gone before someone blew the whistle. It definitely has made freight issues more difficult for me. I guess Young Brothers didn't want to play ball with the right people. Do we need another form of transportation? Why? Have we had trouble in the past, only when strikes were threatened. I believe the Superferry will be a Superfailure even if allowed to operate. It will become a novelty for most outer island citizens and an inconvenience to most businesses. Please don't allow the Superferry to operate without first analyzing the impact it will have on the Outer Islands.

Cordially,

James A. Jones
President
Pukalani Plant Co. Inc
808-264-0629

10/22/2007

No

access1

From: Becky Wold [artofmarbling@mac.com]
Sent: Monday, October 22, 2007 3:21 PM
To: testimony
Subject: Special Session for Superferry

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

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
Senator J. Kalani English, Chair
Senator Mike Gabbard, Vice Chair

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

NOTICE OF HEARING DATE: Wednesday, October 24, 2007
TIME: 10:30 a.m.

PLACE: Auditorium State Capitol
415 South Beretania Street

Aloha,
I would like to add my testimony for the record.

My name is Becky Wold and I have a business in Hanapepe on the island of Kaua'i. At my shop I have asked several visitors from Oahu what their feelings on the Superferry were. The first man said rather vehemently, "We hate you". Every person I have talked to from Oahu is going camping. Loading up the truck with the dog, kayaks, surfboards, and family. Picking up all their supplies on Oahu and driving directly to the beach. One man was absolutely gleeful, "You can drive on the beach and have a campfire? There's no way you could do that on Oahu." Well sure, technically it is not to be done here, but everyone knows it is. The island is already understaffed in law enforcement. What's going to happen to the beaches when they are lined with trucks and campfires? Have you ever been to Polihale? Imagine what it could look like on a holiday weekend packed with trucks from Oahu crowding out locals.

What are we going to do with 292 cars coming off the Superferry onto a road with only a stop sign ... at 5:30 ... in traffic hour already. Without an EIS it is impossible to prepare for the onslaught of humanity wanting to get off Oahu and onto Kaua'i. There is not so much as a bathroom for people to use while waiting for the Superferry.

It is so sad that our governor cannot see what a tremendous impact this is going to have on the people and land of Kaua'i. Please do the right thing and do not allow the ferry to run without an EIS first. We must have time to prepare for this change to our environment.

10/22/2007

Respectfully submitted (with an effort to keep it brief),
Becky Wold
P.O. Box 398
Hanapepe, Kaua'i 96716

NO

testimony

From: Basil Scott [basil@kauaibeach.com]
Sent: Monday, October 22, 2007 3:58 PM
To: testimony
Subject: Superferry Testimony

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
 Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

NOTICE OF INFORMATIONAL BRIEFING

DATE: Sunday, October 21, 2007

TIME: 2:00 p.m.

PLACE:

King Kaumualii Elementary School Cafeteria
 4381 Hanamaulu Road
 Lihue, HI

Testimony on Superferry, 21 October 2007

Key points:

- 1) This is not a simple issue of majority rule. In our constitutional government, it is typically the role of courts should do this, but in this case, the legislature is overriding the court decision. Therefore, the legislature must protect minority rights because no one else will. The minority, 25% to 30% by count, includes many diverse interests whose rights are at risk.
- 2) The legislature must ensure that high standards will be followed for environmental protection, cultural protection, and protection against undesirable social consequences that could result from Superferry operation. The Lingle administration is not neutral on this issue and cannot be trusted to set high standards. Instead, they will likely reduce standards to a bare minimum in order to maximize Superferry financial performance. Because of this the Legislature must protect the interests of the people. No one else will.
- 3) Special provisions must be included for humpback whales. By giving an invalid waiver for the EA, the Lingle administration allowed the ferry to sidestep federal requirements for consultation on environmental issues. If a proper process had been followed, it is almost certain that special restrictions would have been placed on the Superferry to protect humpback whales. Since the whale is an endangered species, the proposed law must include strict provisions for protecting them. A 13 knot

operational limit in shallow waters, and when whales are present, is required.

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

Other discussion:

Lack of neutrality:

The Lingle administration is not neutral on this issue. The Governor herself, and her key managers, have repeatedly supported the Superferry in a very "forward leaning" and pro-Superferry way. Often, what the Governor says is not true – these statements may be appropriate for the Superferry PR department, but not for the Governor of our State. The Governor has made statements, for example, that athletic teams can use the ferry for inter-island travel instead of air travel. I coach one of our local cross-country teams, and I can tell you that the Superferry is too expensive, and we will never use it. Anyone can determine that this is the case by examining the Superferry fares, and using their knowledge of State support for car rentals via vouchers. So, the Governor is misrepresenting the Superferry in a way that is completely inappropriate for the senior executive of our State.

Improper waiver has led to issues that must be addressed:

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

Lingle administration actions require investigation:

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

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

Respectively submitted,

Basil Scott
6931 Pomaikai Street
Kapaa

10/22/2007

testimony

From: L Osterer [lostterer@hotmail.com]
Sent: Monday, October 22, 2007 4:38 PM
To: testimony
Subject: Superferry

THE SENATE ,THE TWENTY-FOURTH LEGISLATURE

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

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

COMMITTEE ON ENERGY AND ENVIRONMENT

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

Re:

SUPERFERRY INFORMATIONAL BRIEFING - TESTIMONY

DATE: Sunday, October 21, 2007 TIME: 2:00 p.m.
PLACE: King Kaumualii Elementary School Cafeteria
4381 Hanamaulu Road

No superferry operation without completion of an EIS and completion of the recommendations made in the EIS.
No compromises. No exceptions to the law. No bill to circumvent or modify it.

Thank you for your public interest.
Lorraine Osterer
Box 160, Kapaa, HI 96746

Climb to the top of the charts! Play Star Shuffle: the word scramble challenge with star power. [Play Now!](#)

NO

testimony

From: Prodiver Maui [scuba@prodivermaui.com]**Sent:** Monday, October 22, 2007 10:40 AM**To:** testimony**Subject:** superferry testimony

Aloha,

We would like voice our strong opposition to the Superferry in it's current capacity. Our family has lived on Maui for 15 years and we are avid campers, surfers and divers. Our beaches and parks are already completely overrun on holidays and very crowded the rest of the time. We are very opposed to the thought of people bringing their vans and campers to already overused beach parks. My niece goes to school at UH Manoa and has told me about student's plans to take vans loaded down with camping gear, surf boards, fishing gear, dogs and drugs to spend the holidays on Maui and Kauai. If the Superferry did not include the aspect of vehicles, we would be 100% in favor of it as an alternative to flying. As it stands, put us down as opposition.

Gary & Joni Ahrnsbrak

808-875-9526

Kihei

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10/22/2007

Testimony
Tony Fisher / Pat Kean
AARP

Yes

Submission to hearing on Super Ferry Monday Oct 22nd, 2007

Tony Fisher, President of the Maui Chapter of the AARP states it is the position of the organization the Super Ferry sail while an EIS is conducted. Tony is concerned Maui Tomorrow and the Sierra Club are failing to come to grips with the impact loss of this service will have on senior citizens and physically disabled on Maui and Hawaii in general.

The AARP submits the Court did not determine a *finding in fact*, the decision by the Supreme Court of Hawaii and Justice Cardozza was centered on *public concern*.

Mr. Tony Fisher and Pat Kean have economics degrees. Mr Kean is also a licensed Nurse, has operated a commercial fishing boat for 18 years, and was employed by British Columbia Ferry Corporation for three years.

Frail Elderly, Physically Disabled, and individuals seeking medical care not available on Maui: *Tony Fisher is of the opinion the ferry should be allowed to operate in order to ascertain its impact. Mr. Fisher is worried older, infirm, and those requiring life saving operations have been ignored in this debate. Thousands of senior citizens and physically disabled confined to wheel-chairs avoid using airlines due to difficulty obtaining an appropriate seat, or have to be carried in an embarrassing manner to one. On the Super Ferry it's a matter of taking a lift equipped van, or bus, use an elevator to the passenger deck, catch the sights, including whales, and roll off at their destination.*

Economic considerations: In Sunday's Maui News the shipping lines announced a 7.5% general increase, and a whopping 15% jump for small loads. Unfortunately this is a sign of things to come. Oil price is skyrocketing and due to international events, economic expansion in China and India, a weak US dollar, and speculation it could reach \$120 a barrel by late next year. In addition **Mr. Kean who minored in History attests that America has not faced such a serious set of economic and global political circumstance since 1929-34.** US Business cycle/demographics, and sub prime mortgage bust points to a severe recession starting soon and extending well into the next decade. Hawaii's unemployment rate is going to reach between 8 and 9% by late 2011 as tourism slows. Real disposable income will be 20% lower in real terms by the same date. Any service that can save Hawaii's citizens money will be a positive.

Page 2

Stagflation/ inter-island travel cost and shipping: Inflation now close to 6% per annum in real terms will pass 10% within two years and slowly diminish after as negative economic growth takes hold. As was the case between 1969 and 1981, wages and incomes will lag significantly in real terms.

In a high inflation, high unemployment environment a more efficient means of transportation and cargo shipping is a huge positive. As the President of Hawaiian Airlines, Suing Go, states: ticket price will return to pre-fare war price and a *little more* afterwards. This points to \$120.00 average inter-island fare within two years, and due to inflation over \$150.00 two years after that. Applying the same inputs the Ferry will be \$80.00 surcharge included and \$105.00 four years from now.

Maui Tomorrow and the Sierra Club have misled the public.

What the S.Club and Maui T. state.

PHD Scientists.

Whales in danger.

Negligible impact.
Nobel Laureate from the
Pacific Biological Station
Departure Bay BC states
Super Ferry poses a lower
danger due to design.

Increased Pollution.

Boeing Aircraft burn
2.5 times the fuel per
passenger mile.

Invasive Species.

UOH, NASA, NOAA all
claim weather has much
larger impact 1000's to one.

Crime/ Maui Council

Should have contacted MPD
Per Capita Maui major crime
rate similar to Oahu's. Only
Prostitution is greater (Navy)

Traffic problems.

Why did M. Tomorrow draw
on an *expert* who was never
employed by a Ferry business?
Washington State, BC Ferry,
NY Ferry, all had experts who
claim 15 to 20 min clearance.

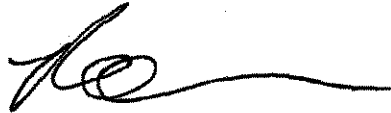
Page 3

Mr Kean contends Maui Tomorrow and the Sierra Club have been the agents inflaming the public. These professional activists have created the strife on this island by their constant misrepresentation of facts. The level of deceit has reached such a point *condemning this group publicly and removal of theirs special tax category is warranted.*

It is said ignorance of the law is no excuse. It is also true attempting to use propaganda to *enhance ignorance* should not play any role in fashioning new law. Hawaii's environmental law must be re-written. It is clear the Supreme Court on Aug 23rd 2007 expanded this law's role beyond its original intent as an avenue for sober public input. It is now a situation where individuals or businesses are considered guilty until proven innocent contrary to the Constitution. It is now a situation where mere hearsay and innuendo can be used at will by nefarious individuals, with a Maui Yesterday mindset, to create the public concern necessary to trigger an EIS. It is clear **the new law should require peer reviewed science by advocacy groups that result in finding of fact by a court, not just artificially pumped up public concern.**

Pat Kean

Kihei



808-283-3886

To whom it may concern:

Not all people are against the Superferry coming to Kauai. Actually, most people I know on Kauai support the Superferry, but we don't usually speak out as that is not our culture. Yes

It seems the protestors don't realize how much we are going to benefit from the ferry here. I am a local business owner and I am 100% for the Hawaii Superferry. To me this is one of the best things happening in the State of Hawaii.

There are so many advantages that I can see for Kauai. A lot of people I know are afraid to fly on a plane and want to have a choice. For all of us, this can be a wonderful experience to travel between the islands and be on the water with our families. The ability to take your own vehicle to another island is a big advantage for us. Honolulu has services and goods that we don't have yet on Kauai, and the ferry can help us get what we want and need more easily and cheaply.

Before, I used to compete in drag racing but I stopped doing it because shipping the car became much too expensive and you never knew if the trailers would get dented. When you take the Superferry, your car stays with you and you can look after it yourself. You don't have to ship your car days ahead then fly to Honolulu to get it.

Most of the things that are changing Kauai have nothing to do with the Superferry. The growth, housing, and traffic is here already. Most homeless people don't have insurance or registration for their vehicle so I don't see them all coming to Kauai. The changes to the harbor for the Superferry are so minimal compared to other projects going on - just one ramp, no major construction. The cruise ships bring many more people. And do they bring these kinds of benefits to our local people?

As far as I can see the Hawaii Superferry is not obstructing anybody. Please let it move forward so we can all start to enjoy it.

Most of the people I saw on the news opposing the Superferry, don't look local to me. So I'm not sure they understand our views. Nationality doesn't mean a thing, but if you've been here 30 or 40 years then you have something to say.

I remember when we worked for the plantation, all the starving and sacrificing didn't pay off. Competition is the best medicine for everything. Competition makes everybody rise up, everybody pushes more, everybody tries to improve. More options can lower the cost of transportation and keep things more affordable on Kauai.

Ken Silva
Lihue



KEN SILVA'S
AUTO BODY SHOP

SEP 25, 2007 15:01

Phone (808) 245-9471
Residence (808) 245-6557

3-3716 Kuhio Hwy.
Lihue, HI 96766

NO



From: Nancy Shearman <nws@maui.net>
Subject: Fwd: No special session
Date: October 22, 2007 8:47:03 AM HST

Begin forwarded message:

From: Nancy Shearman <nws@maui.net>
Date: October 22, 2007 8:43:41 AM HST
To: testimony@capitol.hawaii.gov
Subject: No special session

Aloha,

I do not want a special session to consider Superferry operations while the environmental assessment is being done. It will be too late then. The damage to our environment, traffic control, invasive species - thefts of our natural resources, will have been done. Tourist after tourist write asking those of us who live here on Maui to protect what beauty we have, and that's what environmental impact statements are for.

Obey the law. Isn't that what we are trying to teach our children? Well, they learn by example. Gov. Lingle's actions say if you can't go around the law, then change it. She has separated herself from the transportation chief, leaving him out in the cold, upset about what other people are going to think of doing business in Hawaii. That's so Republican, big business at the expense of anything (usually the environment) that gets in its way. Her loyalties and concerns need to be with her constituents. When she is representing Hawaiians by showing respect for its people, environment, and laws, that is behavior that makes Hawaii a good place to do business.

This Superferry scandal was ill-conceived from the beginning. Two wrongs will not make a right. Give the present laws and judicial system a chance to do what they were created to do. No special session. No new law. No more excuses. This error in judgement falls squarely on Gov. Lingle's shoulders; do not bail her. Protect our state not her ego. Don't spend any more taxpayers' money on a special session for seat of the pants legislation. Honor Hawaii and the aina.

Aloha,
Nancy Shearman

NO

testimony

From: Terri Boland [daltonb@hawaii.rr.com]
Sent: Monday, October 22, 2007 9:29 AM
To: testimony
Subject: FW: no new "save superferry" legislation

From: Terri Boland [mailto:daltonb@hawaii.rr.com]
Sent: Monday, October 22, 2007 9:10 AM
To: 'testimoney@capitol.hawaii.gov'
Subject: no new "save superferry" legislation

We have a perfectly workable environmental law which was not followed, and to pass special legislation for the Superferry to operate while an EA is prepared makes no sense whatsoever. Until we know what may be the long term impacts on our islands and our citizens the ferry should not be in our waters and doing damage that has not yet been foreseen. The disregard by Superferry in doing a trip after knowing they were not to operate gives me a feeling of distrust towards their intentions. There has been an impact on me already – I have lost confidence in the integrity of a number of our elected officials

A ferry service could be a plus for Hawaii but we must know the impacts.

Teri Boland

Wailuku

10/22/2007

yes

RE: Inter-island ferry service

Committee on Energy and Environment
Monday October 22, 2007
3:00 pm
Henry Baldwin High School Auditorium
1650 Kaahumanu Avenue
Wailuku Hawaii

Dear Sirs,

Thank you for this opportunity to present my opinions. I have read the proposed legislation to be enacted upon, enabling the Super Ferry to resume service while the Environmental Assessment is being done. I very strongly support the bill. It is although my personal regret that it is a short term fix and only gives the ferry about a year's grace period, assuming the necessary impact study is done. The impact study should be ongoing as we speak. There can be many delays in the necessary evaluations which can cause this piece of legislation to expire along with the ferry's ability to continue service, which would result in a return to the same deadlock we are in now. Therefore, I would like to see a deadline removed.

Furthermore, although I have concerns about the environment, and appreciate Maui's natural beauty and would like to preserve it as long as possible, I realize that to grow Maui must come into the twenty first century, and it is kicking and screaming barely in the twentieth century. Therefore I do not concur with environmentalists in their extreme efforts to protect the island from what they perceive as 'imminent dangers'. I feel the ferry presents no greater hazard to the environment than air transportation, cruise ships, barges, and container ships. So I do not see the need for 'extreme measures' and requirements placed on the ferry and ONLY the ferry,, while other transport does not require similar. While the death of a whale from a super ferry strike would be regrettable, there is the added potential for catastrophic loss of life on the Super Ferry as well, to say nothing of the ferry sinking.. I believe the plaintiff's 29 requirements are totally absurd, and should not even be entertained by the legislature, as they are out of bounds, and violating individual rights, that could result in ACLU action. Measures for searching baggage etc, with drug sniffing dogs to sniff persons, is not only inconvenient, but not even done at the airports when code orange and terrorist alert levels rise, so why should ferry passengers have to undergo such indignities, being treated like criminals, just because they are traveling on the ferry.

I strongly urge Mr Halls, requirements to be IGNORED!

Of all the environmental concerns, I am the most concerned about the economic impacts to which I wish to say I appreciate and applaud the legislation in its opening statements outlining the economic benefits to be gained by increased commerce between the islands.

Marianne Hopkins
31 Kopi Lane Unit 102
Wailuku Hawaii 96793

I don't know if I will show up at the hearing, but please present copies to relevant committee members. ---

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NO

Aloha Legislators

Please help us to protect the things that we all love about Hawai'i by upholding our environmental laws. This corporation should not be exempted from its legal obligations to assess the likely harms of its actions before they occur. To do so will set a dangerous precedent for other corporations seeking to do business in Hawai'i. Regardless of how you may feel about the Superferry and the need for its services, changing the laws in this way cannot be justified.

Here are some of the reasons I feel so strongly about upholding Hawaii's current environmental laws:

- Hawai'i's EIS law should be upheld because it provides a crucial layer of protection for Hawai'i's irreplaceable natural and cultural beauty.
- The proposed legislation to exempt the Superferry from its obligations under the law is overbroad. It exempts the Superferry from every permit requirement and public oversight requirement currently on the books. Proposed conditions on the operation of the Superferry fail to address to legitimate concerns about the possible irreparable harms highlighted by the Maui Court.
- The Hawaii Constitution guarantees everyone the "right to a clean and healthful environment" (Haw. Const. Art. 11, sec. 9). The Constitution, however, does not guarantee anyone the right to a profit. If our elected officials grant an exemption to our environmental laws, then they will be placing the corporations' right to profit over the public's right to a healthy environment.
- Public participation is essential to a well-functioning democracy! Hawai'i's EIS law provides a rare opportunity for public hearings. This fundamental public right should not be side-stepped to serve special interests!
- A legislative decision of this magnitude cannot be made properly in the 7 days allotted for a special session called by the Governor. It does not provide a sufficient opportunity for lawmakers to hear from the communities most affected by this decision. If the process of decisionmaking lacks integrity, then so will the outcome.
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- Strong protection of public trust natural and cultural resources depend on upholding the law. Laws that are not upheld or enforced are shibai and useless!
- The Maui Court decision found, after 22 days of expert testimony, that there will likely be irreparable harm from Superferry operations. Following the law as written and conducting a complete environmental review will help us to develop thoughtful, meaningful mitigations to these harms before they happen. Allowing this exemption now will not.

Jane Abreu
PO Box 235727
Honolulu, HI 96822

NO

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Grace Atkins
PO Box 25955
Honolulu, HI 96825

NO

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lyndsey baker
po box 146
hanalei, HI 96714

NO

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David Bishaw
Na Kupuna Na Mo'opuna, Unlimited
PO Box 933
PO Box 933 Hilo HI 96721
Hilo, HI 96721

NO

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Marie Alohalani Brown
430 Keoniana St.
Apt. 301
Honolulu, HI 96815

282-2758

120

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Sara Burgess
15-2721 Ohiki Street
Pahoa, HI 96778

NO

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