

**MINUTES  
OF THE  
TEMPORARY HAWAII INTER-ISLAND  
FERRY OVERSIGHT TASK FORCE MEETING  
AIRPORTS DIVISION, CONFERENCE ROOM C**

**December 14, 2007**

**Members Present**

Russell Tsuji (DLNR)	Sara Peck (Kona)
Sandy Kunimoto (DOA)	Michael Matsukawa (Kauai)
Dennis Chun (Kauai)	Michael Lau (AG)
Randy Awo (Maui)	Collette Machado (Molokai)
John Garibaldi (Hawaii Superferry)	
William Aila (Oahu)	
Jeff Mira (Kauai)	
Michael D. Formby (Deputy Director, DOT-Harbors) - Facilitator	
Alternate DOA Designee: Domingo Cravalho (DOA)	

**Other Attendees:**

Margaret Ahn- Deputy AG  
Dean Watase – Planner, DOT-Harbors  
Debbie Kuwaye – Assistant to Michael D. Formby, DOT-Harbors

**Call to Order**

Member Formby, as the Act 2 DOT Facilitator, called the meeting to order at 1:40 p.m. and convened the first meeting of the Temporary Inter-island Ferry Oversight Task Force (OTF). 12 members present, 1 absent.

Member Machado arrived 1:45 p.m.

Member Machado asked if the meetings are subject to Chapter 91, Sunshine Law and if it was filed for notice with the AG's office. Member Formby answered affirmatively to both questions.

Member Formby explained the contents of the Binder that was passed out to all OTF Members. Included were the Agenda for December 14, 2007 Meeting, OTF Members' contact information, Act 002, Executive Order 07-10, Agreement between Hawaii Superferry (HSF) and the State of Hawaii, Operating Agreement with Amendment and HSF public information and notices posted on their website.

Member Formby discusses the Task Force Mission via reference Act 2: "The goal of the temporary Hawaii inter-island ferry oversight task force shall be to study the State's actions regarding the establishment of the operations of any large capacity ferry vessel company as a whole and to examine the impact, if any, of the operations of any existing or proposed large capacity ferry vessel company on" the listed nine areas to be concerned, areas which are consistent with the requirements of Chapter 343. Reference Page 44, Section 13(a).

Member Formby also referenced the Act 2 Reporting Requirements for additional mission guidance: “A listing and description of the mitigation measures established to deter or minimize any adverse environmental impact of the large capacity ferry vessel company and its operations; and a review of the mitigation measures implemented and the efficacy of those mitigation measures on deterring or minimizing any adverse environmental impact caused by the operation of the large capacity ferry vessel company and its vessels.” Reference Page 47, Section 13(d).

Member Formby explained that this is the statutory guidance and invited comments and/or questions.

Member Chun asked how the OTF will obtain information. Member Formby suggested that, as the DOT facilitator, if the OTF needs information, he will try to provide whatever he can. For educational purposes, the Pier 19 and HSF Tour will be conducted today. Member Formby also suggested that it is possible for future meetings to be scheduled on the neighbor islands to visit other terminal facilities. This will be decided by the OTF.

Member Peck sought clarification on OTF’s review of mitigation measures aimed at deterring or minimizing any adverse environmental impact. Member Formby discussed his intent to conduct the first meeting as an organizational meeting with the early OTF meetings being education in nature since the EIS contractor and its Rapid Risk Assessment (RRA) will not be available to the DOT to report on the status. Member Formby discussed the problems with the OTF being a public meeting and the OTF group actually riding the ferry as part of a scheduled meeting. Member Formby reported that the EIS contractor, Belt Collins, is in the early stages of its review. The contract is in the process of being executed and the EIS contractor is also required to do a RRA which will start in January 2008 and occur over the first three months of operation, including unannounced visits to observe and make sure HSF employees are complying with Act 2 as well as Exec Order 07-10 (40 conditions on operation). The EIS contractor will prepare a RRA report at the end of two months to be delivered to Governor, Legislature and the OTF.

Member Awo asked if it was possible for Belt Collins to provide the criteria they used in selecting people to be on the Rapid Risk Assessment team. Member Formby will check as he is unsure if the OTF has the authority to provide input to the EIS contractor. Member Formby indicated that the EIS contractor has received information from subcontractors that are interested in providing RRA services. He will ask the EIS contractor to brief the task force.

Member Aila inquired regarding HSF inspections and asked if any of the subcontractors are culturally educated. Member Formby will ask Belt Collins to share with the task force the resumes of the people they are considering or have contracted with on the RRA. He will also ask Belt Collins to provide the OTF a copy of their EIS and RRA Scope of Works.

Member Matsukawa asked who the lead is at Belt Collins. Dean Watase replied Leslie Matsumoto.

Member Peck inquired about the monthly reports and how the OTF will compile them. Member Formby indicated that Act 2 does not provide guidance, but that the OTF is responsible for submitting monthly status reports of its findings and recommendations to the legislature at the end of each month commencing December 2007. For the first meeting, since it's principally organizational and educational in nature, Member Formby offered to prepare the report.

Member Chun asked what kind of actions the OTF could take if something is wrong or not working. What comes after that? Member Formby offered his thoughts that pursuant to Act 2, the OTF is charged with providing findings and recommendations to the Governor and Legislature and the Governor and Legislature, not the OTF, have the ability to impose additional conditions on the ferry.

Member Chun's offered his personal view that he wanted the OTF process to be meaningful and he did not want to waste his time if nothing came out of what the OTF recommended.

Member Machado expressed concern about community input. She wants the agenda to reflect community input on the agenda. Member Formby indicated he will put community input on the agenda for future meetings.

Member Machado explained to Member Formby that she compared her role on the OTF as looking for an "uku." Member Machado wants to know what Belt Collins will be doing, how the screening will be done and if the screeners have training and scientific backgrounds. The screeners that we are looking for are cultural, scientific, skilled "kamàaina archeologists." Member Formby stated he does not know if it is legally possible for the OTF "to affect the scope of work" for the EIS contractor.

Member Aila requested a presentation by the Coast Guard regarding the safety zone. Member Formby stated that he will invite the Captain of the Port and will agenda the item for the next meeting.

Member Machado asked if we meet monthly. Member Formby stated that inasmuch as we are required to provide a written report at the end of each month, we need to meet monthly.

Member Formby discussed organization of the OTF. Issues include, but are not limited to, whether to have a Chair and/or Vice Chair or simply have a task force of 13 equal members facilitated by DOT as per Act 2. Organizational issues will be the first agenda item at the January 2008 meeting. Member Peck queried why the OTF would need a Chair/Vice-Chair.

Member Peck inquired regarding email communications between members. Do discussions need to come to the table at one time because of the Sunshine Law? Margaret Ahn offered that the DOT staff can email the members but OTF members should not email each other regarding substantive issues. Communication may be held between two members at a time; however, more than two members communicating on an issue could be interpreted as a meeting. Member Formby offered that OTF members may send email with comments to staff (Debbie Kuwaye @ Deborah.Kuwaye@hawaii.gov), which will then be consolidated and presented at the next meeting.

Member Chun asked who can call a meeting. Margaret Ahn explained that for any meeting, we still need to post an agenda and have a quorum.

Member Formby discussed the possibility of establishing committees or subgroups that do investigations or studies between meetings. Margaret Ahn said that the board can vote to create an investigative committee and name people to the committee and task them with specific tasks. The investigative committee is allowed to meet outside of the sunshine law. After presentation of their recommendations or findings to the OTF, the OTF can vote on the investigative committee's recommendations. However, the report and vote must be an agenda item for the full OTF. The OTF can also create Standing Committees; however, those committees need to be under the Sunshine law.

Member Matsukawa expressed a concern with how residents of the Neighbor Islands will be able to participate. Suggestions were made to consider posting the OTF agenda at the State and County offices on all islands. Member Formby offered to have the OTF agenda mailed to the County and State offices on each island for posting prior to the OTF meetings.

A request was made to send the Scope of Work for Belt Collins to the OTF members, preferably before the next scheduled meeting. Member Formby agreed to see if the Scope of Work is available and, if so, to provide via email to OTF members before the next meeting.

Member Machado suggests the following agenda items for the next meeting:

1. Format of the monthly reports
2. Rapid Risk Assessment – prerequisites for subcontractors.
3. Organization - Selecting a Chair/Vice Chair or Facilitator

Community Input:

Kyle Kajihiro asked about why this meeting is convening after the commencement of Hawaii Superferry's service. Member Formby explained that meetings were scheduled twice before and this was the first meeting that we were able to meet quorum. Mr. Kajihiro then asked "How much money is spent on providing security for Unified Command?"

Terri Kekoalani expressed concern about having community groups provide input to the OTF. She wants to make sure it will be easy for members of the community to participate.

Manual Kuloloiu requested a copy of the list of task force members. He asked several government agencies, but received no notice. He expressed concern about an incident which involved his father and the security zone.

John Garibaldi provided directions to Pier 19, the location in which the OTF meeting will reconvene.

The next OTF meeting was set for Thursday, January 10, 2008 at the Airport Conference Center.

1:35 p.m.: The OTF meeting recessed with members and the interested public regrouping at Pier 19. 12 members present, 1 absent.

1:55 p.m.: The Meeting reconvened at Pier 19 with the OTF members observing the arrival of the Alakai from Kahului. They also observed the unloading of passengers and vehicles.

After watching the arrival of the Superferry, the OTF meeting continued inside the Pier 19 passenger terminal with introduction of HSF Personnel by John Garibaldi.

Terry O'Hallaran, HSF, presented information on HSF's compliance with Act 2 and Executive Order 07-10. (HSF provided a hard copy of the presentation, attached hereto.) O'Hallaran noted that the Superferry turned away 3 muddy vehicles on December 13, 2007. HSF handed out HSF Commitments and Actions to Address Environmental Concerns to OTF members.

Questions for HSF:

Who in DLNR is HSF in contact with? DOCARE

What else do Captains look for when they enter ports? Any sea life, other boats, people. Safety of the vessel, people and sea life in the water are all concerns.

2:49 p.m. Member Chun departed. Quorum retained with 11 members present and 2 absent.

The remaining OTF members and public boarded the ferry for a tour, including vehicle deck (with a 400 ton max load capacity), the lounges and bridge. The group received briefing from HSF personnel in each location and answered questions from OTF members and the public.

Following a tour of the vessel, OTF members and the public disembarked the vessel and proceeded to the terminal facility for a demonstration of the vehicle inspection process.

Questions were asked by OTF members and the public, including voluntary compliance by the public with surrendering banned items or no right to travel, the inspection of coolers (visual with questions) versus searching (with hands into the ice), firearms and ammunition.

OTF members were reminded that the next OTF meeting is scheduled for Thursday, January 10, 2008, 1:00 p.m., at the Airports Conference Center, 7<sup>th</sup> Floor Interisland Terminal.

### **Adjournment**

There being no further business, a motion to adjourn was made, seconded and passed, with the meeting concluding at 4:05 p.m.