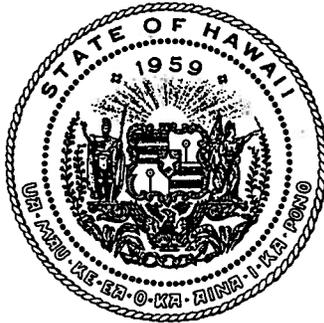


**DEPARTMENT OF TRANSPORTATION'S
REPORT TO THE LEGISLATURE
OF
THE STATE OF HAWAII
ON
THE TEMPORARY HAWAII
INTER-ISLAND FERRY OVERSIGHT TASK FORCE**



Pursuant to Act 2 of the Twenty-Fourth Legislature,
2007 Second Special Session

April 28, 2008

Fifth OTF Meeting

The Temporary Hawaii Inter-Island Oversight Task Force (OTF), pursuant to Act 2 of the Twenty-Fourth Legislature, 2007 Second Special Session, held its fifth meeting on April 4, 2008 at the Honolulu International Airport, Conference Room C.

Members Present

Michael Formby (DOT designee)
Sandra Kunimoto (Chair DOA)
Laura Thielen (Chair DLNR)
John Garibaldi (President, large capacity ferry vessel company)
Randy Awo (Maui county)
Colette Machado (Maui county)
Sara Peck (Hawaii county)
Lynn McCrory (Kauai county)
William Aila, Jr. (Oahu county)

Members excused

Michael Matsukawa (Hawaii county)
Kauila Clark (Oahu county)
Michael Q. Y. Lau (AG designee)
Dennis Chun (Kauai county)

The Agenda for the April 4, 2008 meeting was publicly posted with the Office of the Lieutenant Governor and distributed to the Governor's Liaisons for posting in the state and county office buildings on Maui, Hawaii and Kauai. A copy of the Agenda is attached hereto as Attachment "A."

The meeting was facilitated by Michael D. Formby, the DOT designee.

Call to Order

The meeting was called to order at 1:25 p.m. with a roll call vote taken and 9 members present representing a quorum.

Approval of Minutes

Draft minutes for the March 10, 2008 meeting were distributed, reviewed and approved by motion of Member McCrory, second by Member Garibaldi and unanimous passing by vote of the OTF members. The approved minutes will be posted at:

<http://hawaii.gov/dot/harbors/hawaii-inter-island-large-capacity-ferry-vessel-oversight-task-force>.

Department of Agriculture (DOA) Presentation by Domingo Cravalho, Jr.

Mr. Cravalho reported that the DOA developed a new reporting form for inspectors which will help them in gathering information. The form includes an invasive species section and a natural resources section. A copy of the form is attached hereto as Attachment "B."

Member Formby requested and received clarification of the following abbreviations:
T/R: Treated and release – Removal of offensive or banned item and released.
I/R: Inspected and released – Vehicle with proper certification and released.
R/E: Refused entry – Vehicle is in violation and refused entry.

Member Garibaldi asked if there would be DOA staff inspectors to help monitor the screening process when the Superferry resumes service on Monday (April 7th). Mr. Cravalho replied in the affirmative.

Member Peck inquired about marine alien algae as she did not see a specific breakdown or column on the form. Mr. Cravalho stated that it would be included under the propagated plants section.

Hawaii Superferry Presentation by Terry O'Halloran

The Superferry was in drydock from March 1-26, 2008. On March 27, 2008, HSF was moved to Pier 19. HSF will resume service on April 7, 2008 with one trip daily between Oahu and Maui. The second voyage will be scheduled to commence in not too distant future. Member Awo asked if HSF will give advance notification and discussion prior to the announcement of the second voyage. Member Garibaldi stated that it is his understanding that HSF must give a two week notice of schedule changes to the Public Utilities Commission (PUC) and that they will discuss the second daily service with Mayor Tavares in advance of public announcement.

DOCARE Update

Member Awo reported on the DOCARE positions. He had the opportunity to meet with Senator Rosalyn H. Baker of the Senate Ways and Means Committee regarding the fifteen positions in the DLNR budget and Senator Baker acknowledged that they are attached to special funding. Member Awo's concern was that since the positions were tied to special funds, it may be hard to recruit individuals. According to Member Awo, Senator Baker's response was not to worry as she was hopeful the positions would convert to general funded positions.

DOA Legislative Updates by Sandra Kunimoto

1. SB 2850 Relating to Biosecurity
2. HB 2843 Relating to Invasive Species

Member Kunimoto reported that both bills were still alive. Member Formby inquired about HB 2843, asking if the fees are set on containers or weight. Member Kunimoto replied that last year it was \$1 per 20 foot equivalent (TEU). Some carriers felt it was unfair as there was a lot of cargo excluded since the fee only targeting containerized cargo. The proposed bill, HB2843, assesses a fee of 50 cents per thousand pounds, which means it includes containers as well as non-containerized cargo. Member Formby asked if it includes a provision requiring the harbor users report weight directly to DOA versus through DOT (which does not receive reporting by weight). Member Kunimoto stated that the harbor users will collect the fees on behalf of DOA and turn it over to DOA.

Prosecutor's Office Update by Rich Stacey

Mr. Rich Stacey, Honolulu Prosecutor's Office, kindly agreed to appear before the OTF and answer questions from members regarding the State and/or County's ability to enforce violations at the large capacity ferry vessel terminals. Member Machado asked if the Prosecutor's office works closely with DLNR – DOCARE. Mr. Stacey replied that they receive 90% of their cases from HPD, 5% from the Sheriffs and he suspects the other 5 percent from DOCARE.

Member Peck asked if Mr. Stacey could offer a justification for a natural resources court so that prosecutors and judges will understand the specialized issues. Mr. Stacey responded that with the high volume of cases they presently have, it might be difficult to create a special court. For environmental/natural resource specific cases, the court system would need to find another judge, bailiff, court staff and also an extra public defender and all of these staffing and funding issues are factored into any decision to create a special court. Member Peck asked if legislation is able to create a specialized court. Mr. Stacey replied that he would suspect so.

Member Awo asked Mr. Stacey what would be the minimum number of cases necessary to justify a separate "docket" in lieu of a dedicated court. Mr. Stacey replied that it would depend on the caseload and if there was justification. Member Awo asked how the OTF could find out if the justification exists. Mr. Stacey replied that the best route would be to go through the administrative judge(s).

Member Formby asked if the OTF were to contact the administrative judge(s), would it be by county or is there one over-all administrative judge in the state judiciary system. Mr. Stacey replied that he believes there is one administrative judge per each county.

Environmental Impact Statement (EIS) Update

DOT completed 12 public informational meetings on the Act 2 Large Capacity Ferry Vessel EIS. The turnout was less than expected. The biggest turnout was on Kauai and the Kauai comments were basically that they did not want the Superferry to sail to Kauai. The draft EIS is estimated for publication with OEQC in October 2008 with a 45 day comment period to follow. The final EIS is estimated to be out in May/June 2009. There

were a number of novel issues raised in some of the forums that had not been contemplated by the EIS contractor or by the Harbors Division. They are now being assessed and the timeline for completion of the draft and final EIS may be extended to accommodate new studies. For example, there was an expressed interest in the potential military use of the Superferry. The public wanted to know what kind of protection the State will have from invasive species associated with the loading and offloading of military vehicles in Hawaii's commercial ports. Another issue was underwater noise from the vessel's hull and engines and how it affects endangered species.

OTF Recommendations Per Act 2 Mandate

Member Peck recommended the new DOA worksheet for inspections include marine algae in a separate column. Mr. Cravalho (DOA) agreed and will make necessary changes to the DOA worksheet.

Member Awo reported that he was unable to meet with Senator Hanabusa and Speaker Say but instead met with Senator Rosalyn H. Baker regarding the 15 DLNR positions as previously reported above.

Member Aila inquired about the status of the Rapid Risk Assessment. Member Formby stated that the consultants are awaiting resumption of Superferry operations before they commence their observations and studies.

Member Awo made a motion to send a letter from the OTF to the Judiciary asking that they set aside a separate docket or day to hear environmental/natural resource cases on every island. Member Peck seconded the motion. Motion passed unanimously. Members Awo and Peck will work on the draft letter on behalf of the OTF.

Conclusion: A motion to inquire regarding the establishment of an environmental/natural resources docket or court was made, seconded and passed. The next meeting of the OTF is scheduled for Friday, May 9, 2008, 1:00 p.m. at the Honolulu International Airport, Interisland Terminal, 7th Floor, Conference Room C.

AGENDA

Act 2 Temporary Hawaii Inter-Island Ferry Oversight Task Force (OTF) Meeting

Friday, April 4, 2008

1:00 p.m. – 4:00 p.m.

Honolulu International Airport, Inter-Island Terminal
7th Floor, Conference Room C

- I. ROLL CALL
- II. APPROVAL OF MINUTES – Meeting of March 10, 2008
- III. INFORMATION BRIEFINGS
 - A. DOA UPDATE
 - B. HSF UPDATE
 - C. DOCARE UPDATE
 - D. DLNR and DOA legislation update
- IV. PROSECUTOR'S PRESENTATION AND QUESTION PERIOD
- V. ACT 2 EIS UPDATE
- VI. COMMUNITY INPUT
- VII. OTF GENERAL DISCUSSION, FINDINGS, RECOMMENDATIONS
- VIII. NEXT MEETING/DATE/TIME
- IX. ADJOURNMENT

Persons with disabilities who need accommodation should call (808) 587-3651 at least 3 business days prior to the meeting.

Large Capacity Ferry Vessel Operations

MO/NR: _____
 PORT: _____

E. INVASIVE SPECIES		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTALS	
1 Passenger																	0	
2 Vehicles																	0	
3 Equipment		a) Camping															0	
		b) Hiking															0	
		c) Hunting																0
		d) Snorkeling																0
		e) Diving																0
		f) Fishing																0
		g) Boating																0
4 Dirty / Muddy Off-Road Vehicles		a) 4W-Drive															0	
		b) Dirt Bikes															0	
		c) ATV															0	
5 Dirty / Muddy Vehicles		a) T/R															0	
		b) RE															0	
6 Propagative Plants		a) I/R															0	
		b) RE															0	
7 Non-propagative		a) Cut flower															0	
		b) Cut foliage															0	
		c) Fruits															0	
		d) Vegetables															0	
Other Animals		a) Bees															0	
		b) Birds															0	
		c) Other															0	

