

Senator Rosalyn H. Baker
Remarks in Opposition to
SB 1, SD1, Relating to Transportation
October 29, 2007

Madame President, I rise in opposition to SB 1, SD1 relating to transportation.

This has not been an easy decision for me to make. My district is truly split.

Most of the letters to the editor in the Maui News recently have been from writers in the 5th Senate district be it from Kihei in the south to Lahaina in the west.

Those letters track e-mail I've received both for and against the measure before us. I've heard from small business people, local people, newcomers, young people, seniors, some who call themselves the silent majority and others who are very obviously outspoken and vocal. This issue has indeed touched a cord in our community. In many ways, the issue is not just about Hawaii Superferry. It is about the process and how contentious issues are resolved. Particularly in rushing the Alakai into service to beat a court deadline, the debate over HSF erupted and other frustrations and concerns surfaced.

I was and remain a supporter of an inter-island ferry system for Hawaii. I believe there is value in alternative modes of transportation both for people and goods.

There are two smaller ferries that ply the waters between Lahaina and Lanai and Lahaina and Molokai. Both provide valuable transportation service to residents and visitors alike. I had hoped that Hawaii Superferry would be a complimentary service. Perhaps it still can be, but there have been so many missteps to this point that it will take a yeoman effort to bring harmony back to our communities.

I want to thank the chair of the Senate Judiciary and Labor committee, the lead chair for the Senate on this measure, for taking the committees to the neighbor islands to hear their concerns. The rudeness displayed by some of my constituents in the Baldwin High School auditorium was uncalled for and not Maui style. Unfortunately, it underscored some of the deeply held concerns about growth and change and a desire to have a measure of home rule on those matters that may greatly impact the Maui landscape and not for the better many feel. I thank you, Madame President, Chair Taniguchi, Co-Chairs Menor and English for hearing their concerns and amending the bill in an attempt to address issues raised by putting some of the conditions sought into this measure. It is an improvement to be certain but as I have reluctantly concluded it doesn't get to some of the core issues raised in our communities and I must stand together with my other Maui colleagues on this matter.

Some of my constituents will be disappointed in my "no" vote because they support the Superferry and want it back in operation. They can take heart because the measure will probably pass anyway. Others will still object if HSF goes back into operation without at least an EA in place first. As the Maui DOCARE chief said very eloquently, "I'm not for or against the Superferry. But there will be impacts and we're not staffed or equipped to be able to handle them." So to address that resource issue, it is my intention to include more resources in the supplemental budget for DLNR DOCARE operations, for

invasive species detection and inspections at our harbors and airports. I ask my colleagues in advance for their support. In the meantime, I call on the Chair of BLNR to reallocate additional resources to Maui and Kauai to help in this endeavor. It is also my intention to work with others in this body to craft stronger laws that will apply to all carriers of people, goods and vehicles in order to deter the importation or movement of pests and invasive species to and around our state. The need for better inspection efforts and the need for clarity and enforcement of our environmental protection laws are two of the major takeaway messages from this entire debate. I pledge to do my part to advance those efforts.

I call upon Hawaii Superferry to work with more closely with the Hawaiian Islands Humpback Whale National Marine Sanctuary on perfecting a whale avoidance strategy. Madame President, my first years in the Legislature in the early 1990's were spent working to adopt laws to prevent harassment of whales while in our near shore waters. We did and the population is rebounding. However, according to Sanctuary maps there is no clear path from Oahu to Maui that doesn't transect high whale density areas, based on aerial sightings from 1993-2003. Special mitigation must be provided for these areas.

My colleagues have addressed other areas so I won't repeat those concerns now. Even if this measure passes, I do not believe it will be fair winds for Hawaii Superferry if Hawaii Superferry chooses to just "stay the course". Hawaii

Superferry and DOT officials have yet to acknowledge that my constituents and others have legitimate concerns. A judicial forum is never the ideal place for real compromise or workable solutions to disputes to be achieved. We need to heal the rifts in our communities. I urge the Governor, DOT and Hawaii Superferry to use the days ahead to engage in real, meaningful dialog with representatives of the affected neighbor island communities and demonstrate a willingness to address legitimate concerns so our state forward. Mahalo.