

Refuting the myths: Hawaii Superferry facts add clarity to the murky debate

VIEWPOINT by RON STURTZ

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Many people have asked that I provide a factual overview of the potential environmental impacts of the Hawaii Superferry and the status of current legal challenges. I hope that the following facts – in response to a few well-intentioned and passionate but misinformed letters, editorials and news reports – will be helpful to the discussion.

Myth: The state and federal courts have ruled that an environmental impact statement is not necessary.

Fact: To quote Attorney General Mark Bennett in a Feb. 6 interview on KGMB TV, “No court has ruled against the argument that an EIS was required in this case.”

Myth: All legal challenges are behind the Superferry.

Facts: The Maui Circuit Court has granted legal standing to Maui Tomorrow Foundation Inc., the County of Maui and the Kahului Harbor Coalition to seek an EIS encompassing the entire Kahului Harbor and all its users, including the Hawaii Superferry. This case is ongoing and the parties are in negotiation.

An earlier case which challenged the EIS exemption given to the Hawaii Superferry by the Department of Transportation has been appealed to the Hawaii Supreme Court. This action followed an initial ruling that Maui Tomorrow did not have legal standing in the case and that the exemption could stand. That case is still open and an EIS may still be required.

Myth: That this is an “11th-hour” claim by environmentalists seeking to stop the Superferry.

Facts: The public requested an EIS as early as the PUC hearing of Nov. 19, 2004. Efforts to mediate disagreements over legal requirements of addressing environmental impacts led to litigation on March 21, 2005. There has been plenty of time – well over two years – for the Superferry to conduct an EIS.

The goal of an EIS is to study and address the potentially harmful economic, social and environmental impacts of the Superferry and not to run it aground. The Maui, Hawaii and Kauai county councils all passed resolutions last year to require an EIS. The Maui County Council also directed county attorneys to join in the current lawsuit against the state.

Testifiers and sign-holding protesters on Maui have included a broad coalition of harbor workers, farmers, canoe paddlers, construction workers, residents from all parts of the island as well as state and local governmental representatives.

Myth: The Hawaii Superferry is no more dangerous to whales than other vessels and ferries that regularly travel in oceans around the world, including Alaska, where humpback whales spend their summers. The Superferry’s whale avoidance policy will adequately address potential collisions.

Facts: 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.

The much-touted whale avoidance policy promised use of “forward-looking sonar,” however it wasn’t ever installed in the vessel, and isn’t deemed practical. Their reduced speed of 25 knots is almost double the NOAA recommended safe speed of 13 knots. Furthermore, the Sanctuary Advisory Council, which adopted the WAP, is chaired by Terry O Halloran, HSF’s hired spokesperson. This represents a clear conflict of interest.

Myth: Law enforcement and agricultural inspections will be stringent, and will stop the spread of drugs and invasive species.

Facts: The time allotted for vehicle inspection will be insufficient to conduct adequate security and agricultural screening due to the sheer numbers of vehicles loading and off-loading the giant ferry. Having 250 cars loading in 15 minutes leaves 3.6 seconds to thoroughly inspect each vehicle. With even six inspectors, that leaves 21.6 seconds per car.

Myth: The Hawaii Superferry is being unfairly singled out when nobody else has been required to due an EIS.

Facts: The last time a ferry was proposed, an EIS was required by the state. In 1988, the Oahu Intra-island Ferry System proposed to set sail. It, too, proposed the use of state lands and state funds. On Jan. 19, 1989, state DOT Director Edward Y. Hirata prepared a 561-page Final Environmental Impact Statement that was directed to the governor’s office for consideration. And, that EIS didn’t even have to deal with interisland issues of invasive species and sailing through whale-laden waters. That ferry proposal had far fewer environmental challenges facing it, and yet, the DOT saw fit to prepare an EIS for the state governor.

Myth: The state will incur millions of dollars in penalties if an EIS in required.

Facts: The operating agreement between the DOT and the Superferry, dated Sept. 7, 2005, clearly protects the state from all damages for delays caused by an EIS.

Conclusion: Public discourse is valuable. It is helpful to remove the emotions and myths from the discussion and focus on the facts. They speak for themselves. Mahalo for letting me share my mana’o.

Ron Sturtz is the president of Maui Tomorrow Foundation Inc., a nonprofit organization committed to protecting Maui’s future through wise land planning, responsible growth and environmental protection.

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