

Comments for Hawaiian Islands Humpback Whale National Sanctuary
Tuesday, August 10, 2010 6 – 9 PM Mokupapapa Center, Hilo
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I support the proposal to expand the Sanctuary's scope and direction to protect and conserve other living marine resources, in addition to humpback whales and submerged cultural heritage resources within the Sanctuary.

However, I have many concerns about one Sanctuary Advisory Council (SAC) member-- Terry O'Halloran --because he was director of business development for Superferry. I urge that he be removed from SAC. He can participate as a member of the public, but voting members of SAC should have no other agenda than to protect whales. This is especially important because ship strikes are one of the primary human causes of mortality for humpback whales, and there is talk of bringing Superferry back to Hawai'i.

Superferry did very little planning for whales until there was public pressure, then scrambled to find a quick fix. They proposed night vision goggles, though whales are hard enough to see by day. They said they would use sonar and radar, but ordered their first ship without these capabilities. They said they would slow down in waters less than 100 fathoms, but whales frequent these waters as well as deeper waters. Their proposed route to Kawaihae would have plowed right through waters not usually visited by ships, and hosting whales and dolphins who were young, distracted by feeding and mating, and closely congregated—in short, especially vulnerable to ship strikes.

They refused to slow down to a safe speed for whales, claiming other vessels were going just as fast. But barges go 18 knots or less, incoming cargo ships go 20 knots, and cruise ships go 15 knots or less. Superferry went 25-35 knots.

They said Superferry had no propellers so this reduced risk of injury to whales—but blunt trauma injury from ship strikes is much more likely to kill whales than propeller wounds.

Superferry tried to dodge environmental law from the beginning. They claimed they didn't have time to do an EIS, or they'd lose investors. But later delays didn't scare off their investors. They said "Don't single out Superferry for an EIS"—then called for a special law to exempt them from an EIS. Courageous people on Kaua'i, as you know, risked arrest and injury in the water to block Superferry's illegal actions.

When the special law was tossed out by the Hawai'i Supreme Court, Superferry said the ruling forced them out of business, when in fact they were in terrible financial shape (but pretending everything was fine) for months before.

Superferry sailed away leaving \$40 million in harbor improvements. That will be paid for by other harbor users, which of course will end up being paid by the public through higher prices.

Then there are lingering questions that military use of Superferry was the ultimate goal. *(over)*

This is not an appropriate history for someone entrusted with protecting Hawai'i's whales.