



**Surfrider  
Foundation®**

January 9, 2009

District Engineer  
U.S. Army Corps of Engineers  
Honolulu District  
Building 230  
Fort Shafter, Hawaii 96858-5440

Via email to: [CEPOH-EC-R@usace.army.mil](mailto:CEPOH-EC-R@usace.army.mil)

Subject: POH-2008-273

Dear Sir,

Thank you for allowing the Surfrider Foundation to comment on the proposed modification of the mooring system of the barge Manaikalani to Pier 2C at Kahului Commercial Harbor. The Surfrider Foundation is a non-profit grassroots environmental organization dedicated to the protection and enjoyment of our world's oceans, waves and beaches. Now in its 25th year, the Surfrider Foundation has grown from a small group of dedicated surfers in Malibu, California to a global movement made up of over 50,000 members and 80 chapters worldwide. Surfrider's Maui Chapter works to bring life to its mission of preserving beach access, preserving near shore water quality, and protecting recreational and cultural sites.

The proposed modification project facilitates a much larger action – the operation of the statewide transportation project known as Hawaii Superferry (a large capacity ferry vessel) – and should be considered part of that larger action. Under the NEPA, an Environmental Impact Statement must be undertaken which studies all impacts of the statewide operation of Hawaii Superferry, not only inside Kahului Harbor, but also as it transits state waters.

Significant and adverse cumulative impacts, such as increased traffic in the vicinity of Kahului Harbor, takes of federally protected humpback whales in Hawaiian waters, inter-island dispersal of invasive species, and adverse impacts on traditional cultural practices and recreational uses within Kahului Harbor, all must be studied.

An EIS has never been prepared for the Hawaii Superferry project in compliance with NEPA, the underlying NEPA regulations and all applicable federal laws and regulations. The proposed modification project facilitates a much larger action – the operation of the statewide transportation project known as Hawaii Superferry (a large capacity ferry

vessel) and an EIS must study all impacts of the statewide operation of Hawaii Superferry, not only inside Kahului Harbor, but also as it transits state waters.

Significant and adverse cumulative impacts, such as increased traffic in the vicinity of Kahului Harbor, takes of federally protected humpback whales in Hawaiian waters, inter-island dispersal of invasive species, and adverse impacts on traditional cultural practices and recreational uses within Kahului Harbor, all must be studied.

Section 7 of the Endangered Species Act requires a biological assessment if listed species or critical habitat may be present in an area to be impacted by major construction activity. This is the case for the area in and around Kahului Harbor; therefore the assessment must be completed.

Recreational resources within Kahului Harbor are significant and risk direct and indirect impacts from both construction of the current project as well as ongoing operation of the overlying Superferry program. In particular, surfing resources are well documented with historical use inside the harbor, and risk impacts to the quality of the resource as well as access to it. Full analysis of recreational impacts must be included in the EIS.

The cultural impacts to fishermen, divers, surfers and canoe paddlers who regularly use Kahului Bay must also be considered as a secondary impact of this action as there is great traditional and historical significance in this area for Native Hawaiians and others who form the local culture of Kahului and Maui Island. Full analysis of cultural impacts must be included in the EIS.

Surfrider Foundation requests that a public hearing be held to consider the pending permit request.

Thank you for the opportunity to comment on this permit application.

Sincerely,

Mark Rauscher  
Assistant Environmental Director