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WRITTEN TESTIMONY OF SANDRA LEE KUNIMOTO  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEES ON  
AGRICULTURE  
AND  
TRANSPORTATION  
WEDNESDAY, MARCH 24, 2010  
10:00 AM

HOUSE RESOLUTION 221/HOUSE CONCURRENT RESOLUTION 305  
URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK CLARIFICATION  
FROM THE UNITED STATES SECRETARY OF TRANSPORTATION REGARDING  
THE USE OF AIRPORT REVENUES TO PAY FOR THE OPERATIONAL COSTS OF  
STATE AGRICULTURAL INSPECTIONS OF INCOMING AIR CARGO AT STATE  
AIRPORTS

Chairpersons Tsuji and Souki and Members of the Committees:

Thank you for the opportunity to testify on House Resolution 221 and House Concurrent Resolution 305. These resolutions seek the assistance of Hawaii's congressional delegation to clarify whether airport revenue may be used for the inspection of passenger, baggage and cargo at the State's airports. The Department of Agriculture strongly supports these resolutions as it will allow the Departments of Agriculture and Transportation to create better plans for the airports, and hopefully a better understanding of the fiscal impacts to the two departments.

Previously, the Department of Transportation was allowed to use Airport revenues for the implementation of the Kahului Airport Alien Species Action Plan (ASAP) and for the construction of facilities related thereto. The ASAP includes facilities, inspectors and various studies to interdict invasive species before their entry into Maui, through Kahului Airport.

At present, the Federal Aviation Administration (FAA) has determined that airport revenue cannot be used for the inspection of incoming passengers, baggage and cargo. The FAA has explained that the use of Airport revenue for ASAP at Kahului Airport was allowed because it was a mitigation measure in an Environmental Impact Statement.

This mitigation measure was derived through a lengthy consultation process facilitated by the U.S. Council of Environmental Quality, with various federal and state agencies. The adoption of the ASAP was a key reason for both the State and Federal Courts to determine the adequacy of the Environmental Impact Statement.

The Department of Agriculture feels that a pro-active approach would better serve the State rather than waiting for the outcomes from lawsuits and decisions on Environmental Impact Statements, which often delays much needed transportation improvements for years. In addition, for the Kahului Airport Alien Species Action Plan to be more effective, the State needs to prevent invasive species from entering into the state because once introduced into the State, these invasive species can easily move from one island to another island, i.e., erythrina gall wasps on wili wili trees. It should be noted that the Kahului Airport cargo volume is a small percentage of the Statewide incoming cargo, with Honolulu International Airport handling approximately 85 percent of incoming cargo or about 10 times more than Kahului Airport.

We believe the current FAA determination is inconsistent with FAA policy Order 5190.6B that allows for the use of airport revenues to support public awareness of the airport, and community activities which are directly and substantially related to the operation of the airport. Currently, the Department of Agriculture inspects incoming passengers, baggage and cargo at the airports to allow for the processing through the airport. In fact, the Hawaii Department of Agriculture and U.S. Department of Agriculture's inspection for outbound passengers, baggage and cargo is a requirement for leaving the state. Without these inspections nothing should be entering and/or leaving the state. Thus, these activities directly and substantially relate to the operation

of the airport because they facilitate the movement of passengers, baggage and cargo through the airport. In addition, without adequate staffing and facilities, the Department of Transportation and the airlines would need to re-design the airport facilities to allow for longer passenger and cargo queues and wait times and for the processing of passengers, baggage, and cargo through the airports.

The Department of Agriculture would like to request that the resolutions also include a determination of the use of airport lands as part of the discussion. Airport revenue diversion issues include both the use of airport funds and / or the use of airport lands.

The Department of Agriculture urges the passage of these resolutions as the inspection at the Airport has strong community support as can be seen with the various testimonies and that without these inspections the processing of passengers, baggage and cargo will be delayed and cause further deterioration of the level-of-service at the State's airports. In addition, in 2008 the State enacted revisions to Chapter 150A, Hawaii Revised Statutes, which mandates the need for adequate inspection facilities at all ports.



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**TESTIMONY**

**RE: HR221/HCR305 URGING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK CLARIFICATION FROM THE UNITED STATES SECRETARY OF TRANSPORTATION REGARDING THE USE OF AIRPORT REVENUES TO PAY FOR THE OPERATIONAL COSTS OF STATE AGRICULTURAL INSPECTIONS OF INCOMING AIR CARGO AT STATE AIRPORTS.**

Chair Tsuji and Members of the Committee:

HFBF on behalf of our member commercial farm and ranch families and organizations strongly supports HR221/HCR305 requesting a clarification of the use of airport revenue funds.

Several years ago a lawsuit was filed against the State as the expansion of Kahului Airport was considered. The reason for the suit was introduction of invasive species with increased air traffic and the inadequate prevention measures in place. The result is a state of the art inspection facility on Maui. At this facility and through the processes that lead to the facility various risk assessments have been done by HDOA. The results have been dramatic. There is no doubt there is invasive species traffic through air cargo.

Various laws have been put into place over time. We cannot believe that the intent behind these laws would prohibit States to protect themselves from invasive species. Also, as the lawsuit demonstrated, those initiating new operations will be called to task to demonstrate that there will not be significant environmental impact. Air traffic brings invasive species. It is reasonable that they pay their share for inspection and control. This clarification is important to make sure there is parity across the system.

We urge that this measure be passed. Thank you.