

EXECUTIVE CHAMBERS

HONOLULU

July 15, 2009

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1

Honorable Members
Twenty-Fifth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1, entitled "A Bill for an Act Relating to Opihi."

The purpose of this bill is to make it unlawful to take, harvest, or possess opihi, except under certain prescribed circumstances.

This bill is objectionable because it establishes unenforceable standards for the harvesting of opihi that run counter to good fisheries management practices.

Legislation that addresses the management and sustainability of certain fisheries should be evidenced-based, using best practices tools that are scientifically supported. For example, seasonable closures should be based on the spawning and rejuvenation periods for select species of marine life, not on randomly picked dates.

Based on their extensive experience with the management of fishing areas, the Department of Land and Natural Resources has found that tools such as bag limits and seasonal closures are more easily enforceable and more readily understood by the public. This bill would require State enforcement personnel to attempt to determine if the opihi in a person's possession was picked above the waterline or below the waterline, a virtually impossible task when the opihi is already in a collection pail.

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Further, the bill would require enforcement personnel to determine if the opihi picker was exercising native gathering rights and whether the amount of opihi in his/her possession met precise weight limits. Additionally, this bill fails to recognize those persons, particularly on the neighbor islands, who consider opihi harvesting a profession that sustains them throughout the year.

The Department of Land and Natural Resources has existing authority to regulate near-shore fisheries and aquatic stocks, including the establishment of marine resources management areas that have worked successfully for certain species. I have asked the Department to conduct a scientific, fact-based review of opihi to determine whether harvesting limits should be imposed and when they should be imposed. This bill is both unnecessary and counter-productive to that effort.

For the foregoing reasons, I am returning Senate Bill No. 1 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii