

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2006

Honorable Members  
Twenty-Third 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. 2006, entitled "A Bill for an Act Prohibiting Sales of Opihi."

The purpose of this bill is to prohibit the sale of all Hawaii species of edible opihi, subject to an exemption for certain opihi shells used to make jewelry.

Currently opihi can be collected year round throughout the Hawaiian Islands. The shells must be at least one and one-fourth inches wide or the meat, without the shell, must be at least one-half inch wide to be legally harvested. Under current Hawaii Administrative Rules, there is no limitation on the amount of opihi that may be legally harvested. However, this bill will create a presumption that the taking of more than one-half gallon per person per day of opihi, as measured with its shell on, from the waters within the jurisdiction of the State, is for the purpose of selling or offering to sell the opihi. The Department of Land and Natural Resources has taken the position that it will be difficult, if not impossible, to enforce this bill, because its officers will not be able to determine if the opihi someone possessed was legally harvested within the personal limits established in this bill.

Residents of Niihau requested an exemption to a statewide prohibition, indicating that the sale of opihi makes up a portion of their local economy, but their request was rejected by the Legislature. Furthermore, those familiar with the industry believe that this bill will create a black market for opihi that will likely promote illegal harvesting and hurt legal

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collectors and, thus, will disproportionately impact those who gather nature's products as has been traditionally practiced for centuries in our islands.

I intend to call upon the Department of Land and Natural Resources to conduct a scientific, fact-based study of opihi to determine whether harvesting limits should be imposed. If the Department of Land and Natural Resources' study determines that harvesting limits are needed to protect the species, then my Administration will take the necessary steps to address this matter.

For the foregoing reasons, I am returning Senate Bill No. 2006 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii