

JAN 21 2010

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# A BILL FOR AN ACT

RELATING TO OPIHI.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. In the past century, there was a ten-fold  
2 decline in the amount of opihi available in markets, and the  
3 average amount of opihi has further been halved in the past  
4 forty years. The people of Hawaii, opihi harvesters, university  
5 scientists, and marine resource managers agree that the  
6 popularity of opihi as a delicacy has led to overharvesting  
7 statewide and the decline of natural populations. Notably, the  
8 island of Oahu has been hit especially hard, where *Cellana*  
9 *exarata* and *Cellana sandwicensis* are rare, and *Cellana talcosa*  
10 is functionally absent.

11           Opihi comprise four species of saltwater Hawaiian limpets  
12 and are found nowhere else on earth. The blackfoot opihi  
13 (*Cellana exarata*), also known as "opihimakaiauli", is found on  
14 the upper portion of wave-washed intertidal shores from Puhahonu  
15 (Gardner Pinnacles) to the island of Hawaii. The yellowfoot  
16 opihi (*Cellana sandwicensis*), also known as "opihialinalina",  
17 is found on the middle-low portion of wave-washed intertidal



1 shores from Mokupapapa (French Frigate Shoals) to the island of  
2 Hawaii. Opihi koele, also known as the "kneecap" opihi (*Cellana*  
3 *talcosa*), is found from the shallow subtidal to the middle  
4 intertidal zone on shores from Niihau and Kauai to Hawaii. The  
5 greenfoot opihi (*Cellana melanostoma*) is commonly observed  
6 throughout the intertidal zone from Puhahonu to Nihoa, and is  
7 less commonly observed in the main Hawaiian Islands.

8         Although opihi can be collected year-round, opihi shells  
9 must be at least one and one-fourth inches in the longest  
10 dimension, or the meat must be at least a half-inch in length,  
11 to be legally harvested in Hawaii.

12         The key to increasing the sustainable harvest of opihi  
13 populations is protecting a portion of the populations so that  
14 they may reproduce and create the next generation. Fisheries  
15 replenishment/management areas are a promising management tool  
16 to protect breeding populations, while allowing harvest in  
17 unprotected areas. The life history characteristics of opihi  
18 are perfectly suited to this management strategy because the  
19 adults will stay within the protected areas, and the opihi  
20 larvae can disperse within an island and replenish both  
21 harvested and protected areas.



1       The purpose of this Act is to rehabilitate the natural  
2 populations of all Hawaiian opihi species and establish a new  
3 direction for the management of the fishery. This Act is  
4 intended to increase both long-term standing-stock opihi  
5 abundance, as well as the amount of opihi available for use by  
6 the people of Hawaii.

7       SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10       "§188-A Opihi harvesting and possession, restricted. (a)  
11 Except as provided in this section, it shall be unlawful for any  
12 person at any time to take, harvest, or possess opihi from any  
13 coastal area or nearshore waters of off-shore islets in the  
14 State, including those islands listed in the Atlas of Hawaii,  
15 Third Edition (1998), man-made jetties and breakwaters, as well  
16 as fishery management areas, fisheries replenishment areas,  
17 natural area reserves, refuges, and marine life conservation  
18 districts established by the department, division of aquatic  
19 resources.

20       (b) It shall be unlawful for any person at any time of the  
21 year to take or harvest opihi from below the waterline, or



1 possess opihi taken from below the waterline, of any coastal  
2 area or nearshore waters of the islands of the State.

3 (c) It shall be unlawful for a person to be in possession  
4 of at least one item from each of the following paragraphs, at  
5 the same time:

6 (1) Equipment or any apparatus that would allow a person  
7 to see and remain underwater, such as a swimming mask,  
8 snorkel, or self-contained underwater breathing  
9 apparatus;

10 (2) An instrument that is commonly used as a tool to  
11 harvest or take opihi such as an opihi knife; and

12 (3) Live opihi.

13 (d) It shall be unlawful for any person to take or harvest  
14 opihi from above the waterline of the coastal areas or nearshore  
15 waters of the State or be in possession of opihi within the  
16 State during the closed seasons from February 1st through May  
17 31st, and September 1st through November 30th; provided that  
18 opihi taken or harvested from above the waterline during the  
19 open seasons may be possessed for sale or consumption during the  
20 closed seasons.

21 (e) The division of aquatic resources of the department  
22 shall submit an annual report on the effectiveness and



1 enforcement of this section to the legislature no later than  
2 twenty days prior to each regular session commencing with the  
3 regular session of 2012 and continuing through the regular  
4 session of 2015.

5 (f) The Kahoolawe island reserve commission shall govern  
6 the taking, harvesting, or possessing of opihi in the Kahoolawe  
7 island reserve, including the islands of Puukoa and Aleale.

8 (g) This section shall not apply to any person exercising  
9 native Hawaiian gathering rights and traditional practices as  
10 authorized by law, or as permitted by the department pursuant to  
11 article XII, section 7, of the Hawaii Constitution.

12 (h) As used in this section, "opih" means all known  
13 Hawaiian opih species, including *Cellana exarata* (blackfoot),  
14 *Cellana sandwicencis* (yellowfoot), *Cellana talcosa* (koele), and  
15 *Cellana melanostoma* (greenfoot)."

16 SECTION 3. Chapter 188, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 **"§188-B Opihi harvesting or taking; Oahu; prohibited.**

20 Except as provided in section 188-A(g), and notwithstanding any  
21 other provision to the contrary, it shall be unlawful for any



1 person at any time to take or harvest opihi from the coastal  
2 areas or nearshore waters of the island of Oahu."

3 SECTION 4. In codifying the new sections added by sections  
4 2 and 3 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7 SECTION 5. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval;  
9 provided that section 3 shall be repealed on June 30, 2015.

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INTRODUCED BY:







**Report Title:**

Conservation and Resources; Resource Management; Opihi

**Description:**

Establishes a five year moratorium on the harvesting of opihi on Oahu. Establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and traditional rights.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

