

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 15 Date MAY 2, 2006

TO: Senate Bill No. 2006, S.D. 3, H.D. 2, C.D. 1

SECTION 1. Senate Bill No. 2006, S.D. 3, H.D. 2, C.D. 1, is amended by amending section 1 to read as follows:

"SECTION 1. In recent years, the number of edible opihi found in Hawaii has declined. The popularity of opihi as a delicacy has led to overharvesting on the island of Oahu and has made opihi difficult to find on the neighbor islands.

The blackfoot opihi (*Cellana exarata*), also known as "makaiauli," once the most common limpet in Hawaiian waters, is found in the upper wash of waves. The yellowfoot opihi (*Cellana sandwicensis*), also known as "alinalina," is the preferred species for eating. It is found in the wash of waves, roughly between the habitats of the blackfoot opihi and koele, the third type of edible opihi in Hawaii. Koele is also known as the "kneecap" opihi (*Cellana talcosa*). There is also a fourth type of opihi (*Cellana melanostoma*) observed in Kaua`i that probably also could be found in Niihau.

Although opihi can be collected year-round, opihi shells must be at least one and a quarter inches wide, or the meat must be at least a half-inch wide, to be legally harvested in Hawaii.

The purpose of this Act is to prohibit the sale of all Hawaiian species of edible opihi, subject to an exemption for certain opihi shells used to make jewelry [~~and for residents of any populated island that is privately owned and has a population of five hundred or less~~]."

SECTION 1. Senate Bill No. 2006, S.D. 3, H.D. 2, C.D. 1, is amended by amending section 2 to read as follows:

"SECTION 2. Section 188-42.5, Hawaii Revised Statutes, is amended to read as follows:

"~~[§188-42.5]~~ Hihiwai, hapawai, opihi, and opae kala`ole selling prohibited. It shall be unlawful for any person at any time to sell or offer for sale any hihiwai, hapawai, opihi, [~~and~~] or opae kala`ole taken from any of the waters within the jurisdiction of the State. [~~provided that it shall not be unlawful for a resident of any populated island that is privately owned and has a population of five hundred or less to sell or offer for sale any amount of opihi.~~] It shall be presumed that the taking of more than one-half gallon per

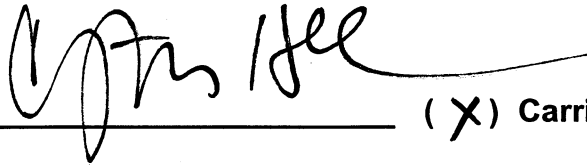


person per day of opihi, as measured with its shell on, from any of the waters within the jurisdiction of the State, is for the purpose of selling or offering to sell opihi.

As used in this section, "opihi" means all known Hawaiian opihi species, including Cellana exarata (blackfoot), Cellana sandwicensis (yellowfoot), Cellana talcosa (koele), and Cellana melanostoma.

The prohibition to sell or offer for sale any opihi as provided by this section shall not apply to opihi shells at least one and one-fourth inches in diameter, sold or offered for sale as a curio or jewelry, or as part of a curio or jewelry; provided that the taking of the opihi for these purposes is in compliance with this section."

Offered by: _____



Carried

Failed to Carry

Withdrawn

