

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. 2 Date MAR - 7 2006

TO: S.B. No. 2006, S.D. 2

SECTION 1. Senate Bill No. 2006, S.D. 2, section 1, is amended to read as follows:

"SECTION 1. In recent years, the number of edible `opihi found in Hawai`i has declined. The popularity of `opihi as a delicacy has led to overharvesting on the island of O`ahu 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 ko`ele, the third type of edible `opihi in Hawai`i. Ko`ele is also known as the "kneecap" `opihi (*cellana talcosa*). There is also a fourth type of `opihi (*cellana meanostoma*) observed in Kaua`i that probably also could be found in Ni`ihau.

Although `opihi can be collected year round, `opihi shells must be at least one and a quarter inches wide, or the meat a half inch wide, to legally harvest them in Hawai`i.

`Opihi is an integral part of certain traditional trade systems where it is used as currency and an important source of revenue, such as on the island of Ni`ihau.

The purpose of this Act is to prohibit the sale of all Hawaiian species of edible `opihi except by a resident of any populated island that is privately owned and has a population of five hundred or less."

SECTION 2. Senate Bill No. 2006, S.D. 2, section 2, is amended to read as follows:

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

"~~[(+)S188-42.5(+) 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 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 quart of `opihi, as measured with its shell on, from any of the other waters within the jurisdiction of the State, is for commercial sale purposes.

As used in this section, "`opihi" means all known Hawaiian `opihi species, including cellana exarata (blackfoot), cellana sandwicencis (yellowfoot), cellana talcosa (ko`ele), and cellana melanostoma."

Offered by: J. Kalam Eghor (X) Carried

() Failed to Carry

() Withdrawn



A BILL FOR AN ACT

PROHIBITING SALES OF OPIHI.

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

1 SECTION 1. In recent years, the number of edible `opihi
2 found in Hawai`i has declined. The popularity of `opihi as a
3 delicacy has led to overharvesting on the island of O`ahu and
4 has made `opihi difficult to find on the neighbor islands.

5 The blackfoot `opihi (*cellana exarata*), also known as
6 "makaiauli," once the most common limpet in Hawaiian waters, is
7 found in the upper wash of waves. The yellowfoot `opihi
8 (*cellana sandwicensis*), also known as "alinalina," is the
9 preferred species for eating. It is found in the wash of waves,
10 roughly between the habitats of the blackfoot `opihi and ko`ele,
11 the third type of edible `opihi in Hawai`i. Ko`ele is also
12 known as the "kneecap" `opihi (*cellana talcosa*). There is also
13 a fourth type of `opihi (*cellana meanostoma*) observed in Kaua`i
14 that probably also could be found in Ni`ihau.

15 Although `opihi can be collected year round, `opihi shells
16 must be at least one and a quarter inches wide, or the meat a
17 half inch wide, to legally harvest them in Hawai`i.



1 `Opihi is an integral part of certain traditional trade
2 systems where it is used as currency and an important source of
3 revenue, such as on the island of Ni`ihau.

4 The purpose of this Act is to prohibit the sale of all
5 Hawaiian species of edible `opihi except by a resident of any
6 populated island that is privately owned and has a population of
7 five hundred or less.

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

10 "~~+~~§188-42.5~~+~~ **Hihiwai, hapawai, `opihi, and opae**
11 **kala`ole selling prohibited.** It shall be unlawful for any
12 person at any time to sell or offer for sale any hihiwai,
13 hapawai, `opihi, and opae kala`ole taken from any of the waters
14 within the jurisdiction of the State~~-~~; provided that it shall
15 not be unlawful for a resident of any populated island that is
16 privately owned and has a population of five hundred or less to
17 sell or offer for sale any amount of `opihi. It shall be
18 presumed that the taking of more than one quart of `opihi, as
19 measured with its shell on, from any of the other waters within
20 the jurisdiction of the State, is for commercial sale purposes.

21 As used in this section, "`opihi" means all known Hawaiian
22 `opihi species, including cellana exarata (blackfoot), cellana

1 sandwicencis (yellowfoot), cellana talcosa (ko`ele), and cellana
2 melanostoma."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

Report Title:

Conservation and Resources; Resource Management; `Opihi

Description:

Prohibits the selling of `opihi; creates an exception for a resident of any populated island that is privately owned and has a population of five hundred or less. (SD3)

