

JAN 17 2007

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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 recent years, the number of edible opihi  
2 found in Hawaii has declined. The popularity of opihi as a  
3 delicacy has led to overharvesting on the island of Oahu and has  
4 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 (*Cellana*  
8 *sandwicensis*), also known as "alinalina", is the preferred  
9 species for eating. It is found in the wash of waves, roughly  
10 between the habitats of the blackfoot opihi and "koele", the  
11 third type of edible opihi in Hawaii. Koele is also known as  
12 the "kneecap" opihi (*Cellana talcosa*). There is also a fourth  
13 type of opihi (*Cellana melanostoma*) observed in Kaua'i that  
14 probably also could be found in Niihau.

15           Although opihi can be collected year-round, opihi shells  
16 must be at least one and one-fourth inches wide, or the meat



1 must be at least a half-inch wide, to be legally harvested in  
2 Hawaii.

3 The purpose of this Act is to prohibit the sale of all  
4 Hawaiian species of edible opihi, subject to an exemption for  
5 certain opihi shells used to make jewelry.

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

8 "[+]§188-42.5[+] **Hihiwai, hapawai, opihi, and opae**  
9 **kala`ole selling prohibited.** (a) It shall be unlawful for any  
10 person at any time to sell or offer for sale any hihiwai,  
11 hapawai, [~~and~~] opihi, or opae kala`ole taken from any of the  
12 waters within the jurisdiction of the State. It shall be  
13 presumed that the taking of more than one-half gallon per person  
14 per day of opihi, as measured with its shell on, from any of the  
15 waters within the jurisdiction of the State, is for the purpose  
16 of selling or offering to sell opihi.

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

21 (b) The prohibition to sell or offer for sale any opihi as  
22 provided by this section shall not apply to opihi shells at



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1 least one and one-fourth inches in diameter, sold or offered for  
2 sale as a curio or jewelry, or as part of a curio or jewelry;  
3 provided that the taking of the opihi for these purposes is in  
4 compliance with this section."

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

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

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INTRODUCED BY:

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**Report Title:**

Conservation and Resources; Resource Management; Opihi

**Description:**

Prohibits the selling or offering for sale of opihi, except in certain circumstances.

