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



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

11           It shall be unlawful for any person at any time to take,  
12           harvest, or possess opihi from any coastal area or nearshore  
13           waters of off-shore islets in the State, including, but not  
14           limited to those islands listed in the Atlas of Hawaii, Third  
15           Edition (1998), man-made jetties and breakwaters, as well as  
16           fishery management areas (FMA), fisheries replenishment areas  
17           (FRA), natural area reserves (NAR), refuges, and marine life  
18           conservation districts (MLCD) established by the department of  
19           land and natural resources, division of aquatic resources.

20           (b) It shall be unlawful for any person at any time to  
21           take, harvest, or possess opihi from any coastal area or  
22           nearshore waters of the islands of the State.



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

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

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

10       (3) Live opihi.

11       (d) It shall be unlawful for any person to take or harvest  
12 opihi from the coastal areas or nearshore waters of the State or  
13 be in possession of opihi within the State during the closed  
14 season from April 1st through September 30th, provided that  
15 frozen opihi taken or harvested during the open season from  
16 October 1st to March 31st may be possessed for sale or  
17 consumption during the closed season.

18       (e) The division of aquatic resources of the department of  
19 land and natural resources shall monitor the population size and  
20 demography of each species of opihi to determine the  
21 effectiveness of this section and shall submit an annual report



1 to the legislature not later than twenty days prior to each  
2 regular session.

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

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

10 (h) This section shall not affect any right, customarily  
11 and traditionally exercised for subsistence, cultural, and  
12 religious purposes and possessed by ahupuaa tenants who are  
13 descendants of native Hawaiians who inhabited the Hawaiian  
14 Islands prior to 1778, subject to the right of the State to  
15 regulate such rights; provided that this section shall not apply  
16 to the taking of opihi from below the waterline at anytime."

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

20 **"§188- Opihi harvesting or taking; Oahu; prohibited.**

21 Except as provided in section 188- (h), it shall be unlawful



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

3 SECTION 4. New statutory material is underscored.

4 SECTION 5. This Act shall take effect upon its approval;  
5 provided that section 3 shall be repealed on June 30, 2013.



**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 from any islet in the State, manmade jetties and breakwaters, fishery management areas, fish replenishment areas, natural area reserves, refuges, marine life conservation districts.

Establishes open and closed seasons. Establishes exemptions.

(CD1)

