

STAND. COM. REP. NO.

9

Honolulu, Hawaii

FEB 02 2007

RE: S.B. No. 6

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 6 entitled:

"A BILL FOR AN ACT RELATING TO OPIHI,"

begs leave to report as follows:

The purpose of this measure is to prohibit the sale or offering for sale of all Hawaiian species of edible 'opihi, except when the 'opihi shell is at least one and one-fourth inches in diameter and is used to make a curio or jewelry.

Testimony in support of this measure was submitted by the Office of Hawaiian Affairs, the Nature Conservancy, and five private individuals. The Department of Land and Natural Resources supported the interest of the measure with amendments. Testimony in opposition to this measure was submitted by Tamashiro Market, Inc., and Tanioka's Seafoods and Catering.

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. Your Committee finds that prohibiting the sale or offer for sale of all Hawaiian species of edible 'opihi will preserve the existing population of 'opihi in Hawaii, foster future and larger populations of 'opihi in Hawaii, and conserve this unique species that has a significant connection with Native Hawaiian history and culture.



Your Committee believes that the intent of this measure is to preserve the population of 'opihi in Hawaii, and to recognize the cultural significance the 'opihi has to Native Hawaiian history and culture.

Accordingly, your Committee notes that the Division of Aquatic Resources is currently gathering data on existing populations of all known Hawaiian 'opihi species. Your Committee recognizes that this data will be valuable in establishing benchmarks for 'opihi conservation efforts, which will be submitted to the Legislature by the end of the 2007 Regular Session.

Furthermore, your Committee notes that 'opihi shells are used to make curios or jewelry, especially on the island of Niihau, and an exception for the use of 'opihi shells in jewelry is already included in the measure. Your Committee recognizes the significance of gathering rights under the Hawaii Supreme Court case, *Public Access Shoreline Hawaii v. County of Hawaii County Planning Commission*, more commonly known as the "P.A.S.H. Decision," and the concerns that the residents of Niihau may have with respect to the sale prohibition provision in this measure.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 6 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.


Respectfully submitted on
behalf of the members of the
Committee on Water, Land,
Agriculture, and Hawaiian
Affairs,


RUSSELL S. KOKUBUN, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Water, Land, Agriculture and Hawaiian Affairs
WAH

Bill / Resolution No.:* <i>SB 6</i>	Committee Referral: <i>WAH</i>	Date: <i>1/29/07</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KOKUBUN, Russell S. (C)	X			
TOKUDA, Jill N. (VC)	X			
FUKUNAGA, Carol				X
HEE, Clayton	X			
SLOM, Sam			X	
TOTAL	<i>3</i>		<i>1</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes

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RUSSELL S. KOKUBUN, Chair



The Senate
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Record of Votes
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SLOM, Sam			X	
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