

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

TESTIMONY OF THE CHAIRPERSON OF THE  
BOARD OF LAND AND NATURAL RESOURCES

On Senate Bill 6, House Draft 1 – RELATING TO OPIHI

BEFORE THE HOUSE COMMITTEE ON  
JUDICIARY

March 27, 2008

Senate Bill 6, House Draft 1 would prohibit the sale of opihi, limit the non-commercial take of opihi to one-half gallon per person per day, allow the sale of opihi shells used in jewelry-making provided the shells measure at least one and one-fourth inches in diameter, and provide that the measure sunset in 15 years. The Department of Land and Natural Resources (Department) opposes this measure and offers the following comments.

To help conserve opihi, the Department is recommending implementation of a new minimum size (1 3/4 inches with shell on, applied to all four species of opihi), and limiting the amount of opihi that can be harvested per day (currently there is no daily bag limit) via administrative rules. Specifically, the Department is recommending the harvesting of no more than one quart per person per day of opihi, with shells on, for either recreational or commercial use.

The recommendations above were in a draft administrative rule submitted to the Board of Land and Natural Resources (Board), and subsequently endorsed by the Board.

These proposals were supported by a recent analysis undertaken in the Department of Zoology at the University of Hawaii, which indicated that a larger minimum size of opihi would produce greater spawning potential, thus delivering more recruits to local populations. This study also noted that the current absence of a daily bag limit allows for unrestrained harvesting effort, which may be responsible for depleted stocks. Thus a bag limit would help to control fishing effort and mortality, as well as allocating the resource to a wider pool of fishermen.

In consideration of the input received to date on the banning of the sale of opihi, the Department is concerned that such a ban would create an underground or illegal market for opihi. Many members of the public who desire to have this delicacy cannot harvest it themselves, and therefore have to rely upon family or commercial fishers to obtain it for them. With the increasing importation of non-Hawaiian limpet species similar to opihi, the enforcement of a prohibition on sale would likely be difficult because locally harvested stocks could be passed off

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as imports. Detection of such false claims would be particular difficult if the meat had been removed from the shells, which is typical for imports.

Finally, the Department is seeking to approach rulemaking for opihi at a regional level. For example, one outcome might be differing rules for take of opihi for different islands. For instance, the current bill's language would make the possession of more than one-half gallon of opihi illegal on Molokai, where it is a common practice to harvest larger amounts of opihi for significant cultural events. As such, this one-size-fits-all statute may not be culturally appropriate in certain circumstances. The Department feels that a community-based effort aimed at tailoring rules to fit community circumstances while still adequately protecting the resource may be more appropriate an approach.

The Department therefore opposes this bill for the reasons outline above, and prefers to pursue to better conservation of opihi stocks via the implementation of administrative rules.

000086

Boyd H Kaneshiro  
Dba Boyd's Fish Market  
87-1784 Farrington Hwy B4  
Nanakuli, HI 96792 Ph. 668-8670

Pg 1/2

534 signatures  
Sample on pg. 2

March 12, 2008

Committee On Water, Land, Ocean Resources and Hawaiian Affairs

Date: Monday, March 17

Time: 9:00 am

Place: Conference Rm. 312

Representative Ken Ito, chair

Re: Senate Bill 6 Prohibiting the Selling of Opihi

Dear Mr. Ito and Committee Members:

Being located on the Waianae coast, the vast majority of our customers are of Hawaiian ancestry and we try to provide an array of foods that are unique to the Hawaiian culture. The opihi is one of these. Senate Bill 6, prohibiting the sale of opihi, will deny most of these people from enjoying this island delicacy. As one person stated, "how many guys you know pick opihi". It is just too dangerous and demanding a task to pick opihi for yourself.

During the course of gathering signatures for the petition, many thoughts and opinions were discussed about this bill. Will a ban on sales have that much of an impact on the harvesting of opihi? How effective will the policing of this ban be? Clearly the general consensus has been an opposition to this bill. Everyone agrees that as with many of our dwindling resources today, some form of conservation measure should be implemented to protect and perpetuate the opihi, but an outright ban is not the answer.

We strongly urge you and your committee to carefully consider all options and alternatives to avoid an outright ban on the sale of opihi.

Sincerely,



Boyd H Kaneshiro  
Owner/Manager

000087

BOYD'S FISH MARKET  
87-1794 Farrington Hwy. B4  
Nanakuli, HI 95792  
Ph: 669-8670

Sample  
534 signature  
petition

**WE WANT TO EAT HAWAIIAN OPIHI! WE OPPOSE SENATE BILL NO. 6 WHICH PROPOSES TO BAN THE SALE OF LOCALLY PICKED OPIHI.**

DATE	PRINT NAME	SIGNATURE	PHONE
4-6-07	Chris McDougall	Chris McDougall	[REDACTED]
4-6-07	Ginsey Milton	Ginsey Milton	[REDACTED]
4-6-07	WILLIAM RAPOSA	William Raposa	[REDACTED]
4-7-07	Jenise Kahooni	Jenise Kahooni	[REDACTED]
4-7-07	ALFRED AWAI	Alfred Awa	[REDACTED]
4-7-07	CHARLY MOUTSER	Charly Moutser	[REDACTED]
4-7-07	WENDELL A HEPA	Wendell Hepa	[REDACTED]
4-7-07	HORACE KAKUMU JR.	Horace Kakumu Jr.	[REDACTED]
4-7-07	Ashley Jordan	Ashley Jordan	[REDACTED]
4-7-07	LeeAnn Chong	LeeAnn Chong	[REDACTED]
4-7-07	Carla Koo Hui	Carla Koo Hui	[REDACTED]
4-7-07	Jason R Kara'e	Jason R Kara'e	[REDACTED]
4-7-07	Dina Medeiros	Dina Medeiros	[REDACTED]
4-7-07	Rob Manalo	Rob Manalo	[REDACTED]
4-7-07	Noble D. Garcia	Noble D. Garcia	[REDACTED]
4-7-07	Yaky K. Kaka	Yaky K. Kaka	[REDACTED]
4-09-07	HAL MATTHEWS	Hal Matthews	[REDACTED]
4-9-07	Jonathan Lucas	Jonathan Lucas	[REDACTED]
4-9-07	Mikemee Puka	Mikemee Puka	[REDACTED]



# Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803

808.537.9019 hawaii.chapter@sierraclub.org

## HOUSE COMMITTEE ON JUDICIARY

March 27<sup>th</sup>, 2008, 2:25 P.M.

(Testimony is 1 page long)

### TESTIMONY IN SUPPORT OF SB 6 HD1

Chair Waters and members of the Committee:

The Sierra Club, Hawai'i Chapter, with 5500 dues paying members statewide, supports SB 6 HD1, prohibiting, for 15 years, the sale of opihi illegal except for certain circumstances. Edible opihi has declined in Hawai'i, with one culprit being overharvesting due to opihi's popularity as a delicacy. This measure restricts the sale of opihi while preserving the right to gather opihi for personal use as long as they are larger than a certain size.

Commercial harvest numbers on 'opih, which are the only statewide statistics available to measure the size of 'opih populations, show a decline from about 16,000 pounds harvested annually in 1970 to about 8,100 pounds a year now. The increasing price of 'opih also seems to indicate a decline in the number of 'opih.

A moratorium on commercial sales would be the easiest policy tool to enforce while allowing the populations to recover.

Please give the little guys a break.

Thank you for the opportunity to testify.



HOME OF THE FINEST SEAFOODS  
832 NORTH KING STREET (AT PALAMA ST)  
HONOLULU HAWAII 96817  
TELEPHONE (808) 841-8047

Representative Tommy Water, Chair  
Representative Blake Oshiro, Vice Chair  
Judiciary Committee

Tamashiro Market, Inc.

Thursday, March 27, 2008

Opposition to Senate Bill 6 prohibiting the selling of opihi

I am Guy Tamashiro of Tamashiro Market, Inc. and I am testifying in opposition to Senate Bill 6. Opihi is a local delicacy that is part of Hawaii's culinary culture. Senate Bill 6 proposes to prohibit the selling of opihi. By prohibiting its sale, the majority of Hawaii's people will never be able to enjoy it. Should the young and nimble be the only ones to be able to harvest and eat opihi? What about the rest of us? What about our kupuna?

It is not as short of supply as we have been hearing. We have found opihi to be available almost year-round.

This bill will create a "Black Market" that will go unreported (to the DLNR) and thereby make it difficult to manage this resource in the future.

This valuable resource and cultural delicacy must be studied and carefully managed, not shut down. There are other more reasonable and logical management tools such as area closures or seasonal closures. The establishment of a hatchery-based opihi stocking program, currently introduced as House Bill 2162, would be the best approach for opihi management.

To rob Hawaii's people of the tasty local treat forever without studying the resource and exploring various resource management tools is not doing the right thing.

We collected over 2771 signatures of Hawaii people who enjoy eating opihi and oppose the ban of opihi sales.

We strongly urge you to **NOT** pass this bill but encourage the study of the opihi situation and the best way to manage this precious resource so all of Hawaii can enjoy opihi.

Respectfully submitted,

*Guy K. Tamashiro*  
Guy Tamashiro

55 signatures - Sample pg 3/5  
2516 signatures - Sample pg 5/5  
Testimony states 271677  
on pg 4/5  
Total 2571 Testimony below notes 2771

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HOME OF THE FINEST SEAFOODS  
502 NORTH KING STREET (AT PALAMA ST.)  
HONOLULU, HAWAII 96817  
TELEPHONE (808) 841-8047

Thursday, March 27, 2008

House Judiciary Committee  
Representative Blake Oshiro, Vice Chair

Dear Representative Oshiro,

I'm Guy Tamashiro of Tamashiro Market. I strongly urge you to vote against SB6, which would prohibit the sale of opihi.

I would think that before considering shutting down an industry, you would first study the industry scientifically. After studying the resource, the more appropriate management tool might be area closure or seasonal closure but not a complete shut down. An even better idea, would be establishing a hatchery-based opihi stocking program, currently introduced as House Bill 2162.

As far as I know, there has not been a scientific study of opihi in Hawaii. From the marketing side, there is no shortage. I've had opihi available 95% of the year for many years.

Closing the legal sale of opihi for 15 years will only create a "Black Market". The state will not collect taxes or data. To get pickers to file their catch report is not an easy task, after 15 years it may be impossible.

A study in the Star-Bulletin reported that at La Parouse Pinnacles in the French Frigate Shoals, opihi are capable of spawning throughout the year... and "they reach sexual maturity when the shell diameter is just under an inch, usually after a few months".

The turbulent ocean conditions of the winter months is nature's way of protecting opihi as it is often too dangerous to harvest then. Testimony from a local picker says that if he goes back to an area after two and a half months, the area is covered with opihi again.

Opihi is a local delicacy that is part of Hawaii's culinary culture. It should be studied and managed but made available for all generations to enjoy. We have a petition with over 2700 signatures that oppose the shutdown of the opihi industry. I strongly urge you to NOT pass this bill but encourage the study of the opihi situation and the best way to manage this precious resource so all of Hawaii can enjoy opihi.

Respectfully submitted,

Guy Tamashiro

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TOTAL P.01

**WE WANT TO EAT HAWAIIAN OPIHI!**  
**WE OPPOSE SENATE BILL 6 AND HOUSE BILL 2477 WHICH**  
**PROPOSE TO BAN THE SALE OF LOCALLY PICKED OPIHI.**

DATE	PRINT NAME	SIGNATURE	PHONE
1 3-20-08	DANIA LIZANO	Dania Lizano	[REDACTED]
2 3/20/08	Percy Sato	Percy Sato	[REDACTED]
3 3-20-08	Helen S. Sato	Helen S. Sato	4
4 3-20-08	BABY TAATAI.	Baby Taatai	[REDACTED]
5 3-20-08	Aida Sisigafua F.	Aida	[REDACTED]
6 03-20-08	M Taetai.	M Taetai	[REDACTED]
7 " " "	SUCIA TAATAI	Sucia Taatai	"
8 3-20-08	GLADYS P CRUZ	Gladys P Cruz	[REDACTED]
9 3-20-08	KUPONO KECUENA	Kupono Kekuena	[REDACTED]
10 3-20-08	Eusebia Biel	Eusebia Bonilla	[REDACTED]
11 3-20-08	KHAMPAE	Khampana Phung	[REDACTED]
12 3-20-08	PANNY	Panny	[REDACTED]
13 3-20-08	FRENDA FORTANILLA	Frenda Fortanilla	[REDACTED]
14 3-20-08	SEANED KLOUG-LEUNG	Seaned Kloug-Leung	[REDACTED]
15 3-20-08	KOE	Koe	[REDACTED]
16 3/20/08	RAYMOND MARRAZZANO	Raymond Marrazano	[REDACTED]
17 3/20/08	CONY CARRE	Cony Carre	[REDACTED]
18 3/20/08	LIZ TRAN	Liz Tran	[REDACTED]
19 "	M KUNISCH	M Kunisch	[REDACTED]
20 3-20-08	C. Sordania	C. Sordania	000092





HOME OF THE FINEST SEAFOODS  
802 NORTH KING STREET (AT PALAMA ST.)  
HONOLULU, HAWAII 96817  
TELEPHONE (808) 841-8047

Representative Ken Ito, Chair  
Representative Jon Riki Karamatsu, Vice Chair  
Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Tamashiro Market, Inc.

Tuesday, March 17, 2008

Opposition to Senate Bill 6 prohibiting the selling of opihi

I am Guy Tamashiro of Tamashiro Market, Inc. and I am testifying in opposition to Senate Bill 6. Opihi is a local delicacy that is part of Hawaii's culinary culture. Senate Bill 6 proposes to prohibit the selling of opihi. By prohibiting its sale, the majority of Hawaii's people will never be able to enjoy it. Should the young and nimble be the only ones to be able to harvest and eat opihi? What about the rest of us? What about our kupuna?

It is not as short of supply as we have been hearing. We have found opihi to be available almost year-round.

This bill will create a "Black Market" that will go unreported (to the DLNR) and thereby make it difficult to manage this resource in the future.

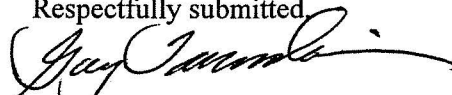
This valuable resource and cultural delicacy must be studied and carefully managed, not shut down. There are other more reasonable and logical management tools such as area closures or seasonal closures. The establishment of a hatchery-based opihi stocking program, currently introduced as House Bill 2162, would be the best approach for opihi management.

To rob Hawaii's people of the tasty local treat forever without studying the resource and exploring various resource management tools is not doing the right thing.

We collected over 2716 signatures of Hawaii people who enjoy eating opihi and oppose the ban of opihi sales.

We strongly urge you to NOT pass this bill but encourage the study of the opihi situation and the best way to manage this precious resource so all of Hawaii can enjoy opihi.

Respectfully submitted,



Guy Tamashiro

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**WE WANT TO EAT HAWAIIAN OPIHI!**

**WE OPPOSE SENATE BILL 6 AND HOUSE BILL 2477 WHICH PROPOSE TO BAN THE SALE OF LOCALLY PICKED OPIHI.**

10-0374

	<u>DATE</u>	<u>PRINT NAME</u>	<u>SIGNATURE</u>	<u>PHONE</u>
1	1/24/08	Lyle Silva	Lyle Silva	[REDACTED]
2	1/24/08	CRISTINA CORNZ	Cornz	[REDACTED]
3	1/24/08	JASON EVERETT	J. Ever	[REDACTED]
4	1/28/08	David Auwa	David Auwa	[REDACTED]
5	1/25/08	Suzanne Kim	Suzanne Kim	[REDACTED]
6	1/28/08	CRISTY CORNZ	Cornz	[REDACTED]
7	1/28/08	RODNEY ALBORS	Rodney Albors	[REDACTED]
8	1/28/08	MONTE KALANA	Monte Kalana	[REDACTED]
9	1/29/08	TERRY TANSORIO	Terry Tansorio	[REDACTED]
10	02/01/08	Inga Megale	Inga Megale	[REDACTED]
11	02-01-08	Bernard Louis	Bernard Louis	[REDACTED]
12	2/1/08	Vita Raed	Vita Raed	[REDACTED]
13	2/1/08	FATH NGUYEN	Fath Nguyen	[REDACTED]
14	2/1/08	Howard M.	Howard M.	[REDACTED]
15	2/13/08	Gusompelsch	Gusompelsch	[REDACTED]
16	3/12/08	Iona Kahi	Iona Kahi	[REDACTED]
17	3/12/08	Nathan Ancheta	Nathan Ancheta	[REDACTED]
18	3/2/08	MARITES CRIVELLO	Marites Crivello	[REDACTED]
19	3/12/08	Dyan Marie Hamilton	Dyan Marie Hamilton	[REDACTED]
20	3/15/08	Butako Picky Saki	Butako Picky Saki	[REDACTED]

Petition Packs

This Testimony is in response to SB-6

1st set 434 signatures - pg 4/6 sample

No Opihi - Again!

2nd set 251 signatures pg 6/6 sample

Total = 685 signatures

Senator Clayton Hee has once again introduced a bill that prohibits the sale of edible Opihi. The Bill SB6 reads:

“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”

The part of the Bill that doesn't make sense is that it states: ” except when the ‘opihi shell is at least one and one-fourth inches in diameter and is used to make a curio or jewelry” If conservation of the species is at stake, how do you remove the Opihi shell to make a curio or jewelry and not kill the Opihi?

SB6 was passed by Russell Kokubun, Jill Tokuda, and Clayton Hee. Sam Slom was the only one to oppose the bill.

Of course at first glance, part of this bill makes sense. You cannot find opihi in Waikiki, Ala Moana, or along any of our shoreline beaches, So one might think, its on the verge of extinction. A little research will tell you that opihi thrive where the waves are pounding against the rocks, this area is called the “spray zone”, opihi also like to be up to 10 feet underwater. Now, how many of us are willing to go out in the pounding surf and dive down 10 feet to scrape opihi off the rock? Not Me!

The real ‘opihi pickers go off island to their secret spots to pick the ‘opihi that is brought to market. These guys bring in 1000's of pounds during the year, the problems they face every day are rough surf and weather conditions. Another problem facing the industry is lack of pickers. Opihi pickers are a dying breed.

Here are a few paragraphs from Marine science writer Susan Scott, who has been writing a weekly column, "Ocean Watch," for the Honolulu Star-Bulletin since 1987.

“Opihi can be found in abundance at La Perouse Pinnacles in French Frigate Shoals.”

“Opihi are capable of spawning throughout the year, but most often release eggs and sperm into the water from November to June, when seawater is the coolest. After a few days in the ocean, the baby Opihi find and stick to a home rock. Then snails spend their entire lives, about a year, grazing that particular area.”

“Compared with the growth rates of limpets in other parts of the world, opihi grow extremely rapidly. The snails reach sexual maturity when the shell diameter is just under an inch, usually after a few months.”

(SusanScott.net Ocean Watch Monday July 15, 1996)

An outright ban is unnecessary! What has proven to work is conservation.

Instead of an outright ban, we should have pockets of “no picking” areas. This would allow the sedentary opihi to send their eggs out to populate other areas of the island.

We may even need to “seed” these no picking areas. Next time a Marine Biologist team goes out to the La Perouse Pinnacles in French Frigate Shoals, have them gather a few hundred pounds and distribute them among the “no picking” zones.

Instead of an outright ban, we should make opihi picking a seasonal activity. “Opihi picking season closed November thru February” Spawning occurs mainly in December and January for Opihi Makaiauli and Opihi Alinilina (Hawaii’s Comprehensive Wildlife Strategy - [www.hawaii.gov/dlnr/dar/pubs/sawcs/mi\\_limpets.pdf](http://www.hawaii.gov/dlnr/dar/pubs/sawcs/mi_limpets.pdf))

Thank you for the opportunity to express my opinion.

Brian K. Yamamoto  
President  
Yama’s Fish Market, Inc.  
2332 Young Street  
Honolulu, Hawaii  
96826

Harlee P93/6

Emma

Yome 375 375  
10 10  
50 3750  
375

# Got OPIHI?

The Opihi bill is back!!

Last year, through all your efforts, Governor Lingle vetoed the bill that would prohibit the sale of Opihi.

Well, the bill has been resubmitted and is making its way through the Legislature.

Please sign this petition to stop this bill from making its way through the house.

Thank You

Brian Yamamoto

Yama's Fish Market

*[Handwritten signatures and scribbles]*

*[Handwritten signatures and scribbles]*

*[Handwritten signatures and scribbles]*

*[Handwritten signatures and scribbles]*

*[Extensive handwritten signatures and scribbles covering the right side of the page]*

I don't know how to pick Opihi!  
Please keep it legal for sale!

Name	Phone number	Date
Jarrett Loho	[REDACTED]	5/1/07
Jared Loho	[REDACTED]	u
Briana Loane	[REDACTED]	u
Jeritech Loho	[REDACTED]	u
Cindy Long	[REDACTED]	5/1/07
Catherine Lam	[REDACTED]	5/1/07
Julie Helelers	[REDACTED]	1 1 1 1
Cherylyn Aunio	[REDACTED]	5/1/07
Josh Nakata	[REDACTED]	5/2/07
Thomas Clee	[REDACTED]	5/2/07
Grant Tsunoto	[REDACTED]	5/2/07
Andrew Starbar.	[REDACTED]	5/2/07
Stan Starbar	[REDACTED]	5/3/07
Dickman, ANN	[REDACTED]	5/4/07
Don Tamahua	[REDACTED]	5/5/07

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Attention  
Linda Smith  
SB2006

Fax 586-0006

Page 1 of 18

Thank You,

Brian Yamamoto  
Yama's Fish Market

Governor Lingle please veto bill number SB2006 prohibiting the sale of locally picked Opihi.

Name	Phone number	Date
BRIAN YAMAMOTO	[REDACTED]	6/21/06
Cheyne Abbey-Chong	[REDACTED]	6/21/06
FRODEL TOLENTINO	[REDACTED]	6-21-06
[REDACTED]	[REDACTED]	6/21/06
Edward [REDACTED]	[REDACTED]	6/21/06
Guy Aki	[REDACTED]	6/21/06
Janeen Kagoyama	[REDACTED]	6-21-06
Rachel Hirose	[REDACTED]	6/21/06
Samantha Shobu	[REDACTED]	6/21/06
Kyle Ishimaru	[REDACTED]	6-21-06
Radeen Meharla	[REDACTED]	6/21/06
IVES JOHNSON	[REDACTED]	6/21/06
CARLY LUNA	[REDACTED]	6/21/06
JOSE FENTON	[REDACTED]	6/21/06
MICHELE RABANG	[REDACTED]	6/21/06