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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 has been 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 four species of saltwater Hawaiian limpets  
12 and are found nowhere else on earth. The blackfoot opihi  
13 (*Cellana exarata*), also known as "opihimakaiauli", is found on  
14 the upper portion of wave-washed intertidal shores from Puhahonu  
15 (Gardner Pinnacles) to the island of Hawaii. The yellowfoot  
16 opihi (*Cellana sandwicensis*), also known as "opihialinalina",  
17 is found on the middle-low portion of wave-washed intertidal  
18 shores from Mokuapapapa (French Frigate Shoals) to the island of



1 Hawaii. Opihi koele, also known as the "kneecap" opihi (*Cellana*  
2 *talcosa*), is found from the shallow subtidal to the middle  
3 intertidal zone on shores from Niihau and Kauai to Hawaii. The  
4 greenfoot opihi (*Cellana melanostoma*) is commonly observed  
5 throughout the intertidal zone from Puhahonu to Nihoa, and is  
6 less commonly observed in the main Hawaiian Islands.

7 Although opihi can be collected year-round, opihi shells  
8 must be at least one and one-fourth inches in the longest  
9 dimension, or the meat must be at least a half-inch in length,  
10 to be legally harvested in Hawaii.

11 The key to increasing the sustainable harvest of opihi  
12 populations is protecting a portion of the populations so that  
13 they may reproduce and create the next generation. Fisheries  
14 replenishment/management areas are a promising management tool  
15 to protect breeding populations, while allowing harvest in  
16 unprotected areas. The life history characteristics of opihi  
17 are perfectly suited to this management strategy because the  
18 adults will stay within the protected areas, and the opihi  
19 larvae can disperse within an island and replenish both  
20 harvested and protected areas.

21 The purpose of this Act is to rehabilitate the natural  
22 populations of all Hawaiian opihi species and establish a new



1 direction for the management of the fishery. This Act is  
2 intended to increase both long-term standing-stock opihi  
3 abundance, as well as the amount of opihi available for use by  
4 the people of Hawaii.

5 SECTION 2. Chapter 188, Hawaii Revised Statutes, is  
6 amended by adding two new sections to be appropriately  
7 designated and to read as follows:

8 "§188-A Opihi harvesting and possession, restricted. (a)  
9 Except as provided in this section, it shall be unlawful for any  
10 person at any time to take, harvest, or possess opihi from any  
11 coastal area or nearshore waters of off-shore islets in the  
12 State, including those islands listed in the Atlas of Hawaii,  
13 Third Edition (1998), man-made jetties and breakwaters, as well  
14 as fishery management areas, fisheries replenishment areas,  
15 natural area reserves, refuges, and marine life conservation  
16 districts established by the department of land and natural  
17 resources, division of aquatic resources.

18 (b) It shall be unlawful for any person at any time of the  
19 year to take or harvest opihi from below the waterline, or  
20 possess opihi taken from below the waterline, of any coastal  
21 area or 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 above the waterline of the coastal areas or nearshore  
13 waters of the State or be in possession of opihi within the  
14 State during the closed seasons from February 1st through May  
15 31st, and September 1st through November 30th; provided that  
16 opihi taken or harvested from above the waterline during the  
17 open seasons may be possessed for sale or consumption during the  
18 closed seasons.

19       (e) The division of aquatic resources of the department of  
20 land and natural resources shall submit an annual report on the  
21 effectiveness and enforcement of this section to the legislature  
22 no later than twenty days prior to each regular session,



1 commencing with the regular session of 2014 and continuing  
2 through the regular session of 2017.

3 (f) The Kahoolawe island reserve commission shall govern  
4 the taking, harvesting, or possessing of opihi in the Kahoolawe  
5 island reserve, including the islands of Puukoa and Aleale.

6 (g) This section shall not apply to any person exercising  
7 native Hawaiian gathering rights and traditional practices as  
8 authorized by law, or as permitted by the department of land and  
9 natural resources pursuant to article XII, section 7, of the  
10 Hawaii Constitution.

11 (h) As used in this section, "opih" means all known  
12 Hawaiian opih species, including *Cellana exarata* (blackfoot),  
13 *Cellana sandwicencis* (yellowfoot), *Cellana talcosa* (koele), and  
14 *Cellana melanostoma* (greenfoot).

15 **§188-B Opihi harvesting or taking; Oahu; prohibited.**  
16 Except as provided in section 188-A(g), and notwithstanding any  
17 other provision to the contrary, until June 30, 2017, it shall  
18 be unlawful for any person at any time to take or harvest opih  
19 from the coastal areas or nearshore waters of the island of  
20 Oahu."

21 SECTION 3. In codifying the new sections added by sections  
22 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

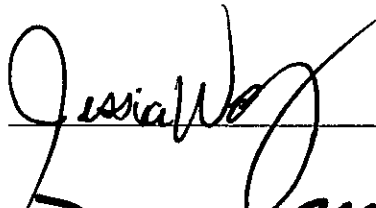

3 SECTION 4. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

JAN 23 2012



# H.B. NO. 2352

**Report Title:**

Conservation and Resources; Resource Management; Opihi

**Description:**

Establishes until 06/30/17 a moratorium on the harvesting of opihi on Oahu. Establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and traditional rights. Requires annual reports.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

