

JAN 26 2011

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 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 Mokupapapa (French Frigate Shoals) to the island of



1 Hawaii. "Opihi koele", also known as the "kneecap" opihi
2 (*Cellana talcosa*), is found from the shallow subtidal to the
3 middle intertidal zone on shores from Niihau and Kauai to
4 Hawaii. The greenfoot opihi (*Cellana melanostoma*) is commonly
5 observed throughout the intertidal zone from Puhahonu to Nihoa,
6 and is 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 one 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 one or more items 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) It shall be unlawful for any person to take or harvest
20 an amount greater than one quart of opihi with shells attached,
21 or one half pint of opihi without shells attached, per day
22 during the open seasons, as described in subsection (d).



1 (f) The division of aquatic resources of the department of
2 land and natural resources shall submit an annual report on the
3 effectiveness and enforcement of this section to the legislature
4 no later than twenty days prior to the convening of each regular
5 session, commencing with the regular session of 2013 and
6 continuing through the regular session of 2015.

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 apply to any person exercising
11 native Hawaiian gathering rights and traditional practices as
12 authorized by law, or as permitted by the department of land and
13 natural resources pursuant to article XII, section 7, of the
14 Hawaii Constitution.

15 (i) As used in this section, "opih" means all known
16 Hawaiian opih species, including *Cellana exarata* (blackfoot),
17 *Cellana sandwicencis* (yellowfoot), *Cellana talcosa* (koele), and
18 *Cellana melanostoma* (greenfoot).

19 **§188-B Opihi harvesting or taking; Oahu; prohibited.**

20 Except as provided in section 188-A(h), and notwithstanding any
21 other provision to the contrary, it shall be unlawful for any



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

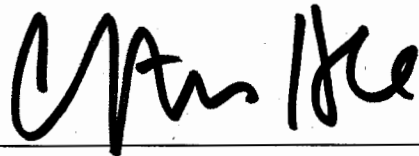
3 SECTION 3. In codifying the new sections added by section
4 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval;
9 provided that section 188-B, Hawaii Revised Statutes, shall be
10 repealed on June 30, 2016.

11

INTRODUCED BY:





Report Title:

Conservation and Resources; Resource Management; Opihi

Description:

Establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and traditional rights; establishes a five-year moratorium on the harvesting of opihi on Oahu.

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

