

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2923

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Water, Land, and Housing and Hawaiian Affairs, to which was referred S.B. No. 2923 entitled:

"A BILL FOR AN ACT RELATING TO OPIHI HARVESTING AND POSSESSION RESTRICTIONS,"

beg leave to report as follows:

The purpose and intent of this measure is to rehabilitate the natural populations of all Hawaiian opihi species and establish a new direction for the management of the fishery. Specifically, this measure:

- (1) Establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons, bag limitations, and traditional Native Hawaiian gathering rights; and
- (2) Establishes a five-year moratorium on the harvesting of opihi on Oahu.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources; the Office of Hawaiian Affairs; and three private individuals. Testimony in opposition to this measure was submitted by the Kuakini Hawaiian Civic Club of Kona; Tamashiro Market, Inc.; and two private individuals.

Your Committees find that opihi picking is a dangerous activity. "He i'a make ka 'opihī" means "opihī is the fish of



death". A review conducted by the Department of Health reported that from 1993 to 1997, nine people drowned while picking opihi. On the Big Island alone between 1999 and 2009, at least thirteen opihi pickers died from drowning, falls from cliffs, or in one case, getting stuffed into a blowhole by waves.

Your Committees further find that despite the dangers of this activity, opihi is a delicacy that holds great cultural importance. As such, opihi populations are dwindling due to popularity and overharvesting. The breeding of adult opihi needs to be protected to ensure opihi populations will replenish themselves. Opihi have free swimming larvae that can disperse from the no take areas into areas where harvesting is legal. However, Oahu requires more drastic actions to rehabilitate its opihi populations due to overharvesting.

Your Committees have amended this measure by:

- (1) Clarifying that the taking, harvesting, and possessing of opihi from the off-shore islets is prohibited;
- (2) Removing the provision that prohibits any person from simultaneously possessing live opihi, an underwater seeing or breathing apparatus, and an instrument commonly used as a tool to harvest or take opihi;
- (3) Changing the closed season dates for taking and harvesting opihi from above the waterline of the coastal areas or nearshore waters of the State, to align with opihi spawning times;
- (4) Clarifying that the bag limit for harvesting opihi applies to persons harvesting for non-commercial purposes; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

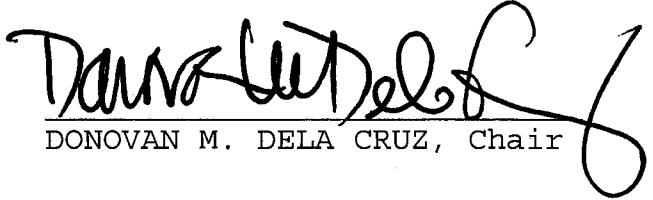
As affirmed by the records of votes of the members of your Committees on Water, Land, and Housing and Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2923, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2923, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committees on Water, Land, and
Housing and Hawaiian Affairs,



BRICKWOOD GALUTERIA, Chair

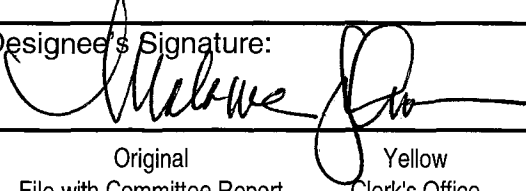


DONOVAN M. DELA CRUZ, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Water, Land and Housing
WLH

| | | | | |
|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB2923 | WLH/HWN, JDL | 2-15-12 | | |
| <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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| DELA CRUZ, Donovan M. (C) | ✓ | | | |
| SOLOMON, Malama (VC) | ✓ | | | |
| FUKUNAGA, Carol | | | | ✓ |
| RYAN, Pohai | ✓ | | | |
| SHIMABUKURO, Maile | ✓ | | | |
| TOKUDA, Jill N. | | | | ✓ |
| SLOM, Sam | | ✓ | | |
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| TOTAL | 4 | 1 | | 2 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes

