
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 the market, 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 "opihī makaiāuli", is found on
14 the upper portion of wave-washed intertidal shores from Pūhāhonu
15 (Gardner Pinnacles) to the island of Hawaii. The yellowfoot
16 opihi (*Cellana sandwicensis*), also known as "opihī alinalina",
17 is found on the middle-low portion of wave-washed intertidal
18 shores from Mokuapāpapa (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 natural opihi population is
12 protecting a portion of the population so that they may
13 reproduce and create the next generation. Fisheries
14 replenishment areas and fishery management areas are a promising
15 management tool to protect breeding populations, while allowing
16 harvest in unprotected areas. The life history characteristics
17 of opihi are perfectly suited to this management strategy,
18 because the adults will stay within the protected areas, and the
19 opihi 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 population 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 to
19 take, harvest, or possess opihi from below the waterline of any
20 coastal 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 within five feet of state marine waters:

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, harvest,
12 or possess opihi from above the waterline of the coastal areas
13 or nearshore waters of the islands of the State during the
14 closed seasons from February 1st through May 31st, and September
15 1st through November 30th; provided that opihi taken or
16 harvested from above the waterline during the open seasons may
17 be possessed for sale or consumption during the closed seasons.

18 (e) The department of land and natural resources, division
19 of aquatic resources, shall submit an annual report on the
20 effectiveness and enforcement of this section to the legislature
21 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) Notwithstanding this section, the Kahoolawe island
4 reserve commission shall govern the taking, harvesting, or
5 possessing of opihi in the Kahoolawe island reserve, including
6 the islands of Puukoa and Aleale.

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

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

16 **§188-B Opihi harvesting or taking; Oahu; prohibited.** (a)
17 Notwithstanding any law to the contrary, until June 30, 2017, it
18 shall be unlawful for any person at any time to take, harvest,
19 or possess opih from the coastal areas or nearshore waters of
20 the island of Oahu; provided that this section shall not apply
21 to any person who takes, harvests, or possesses opih in
22 accordance with section 188-A(g).



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1 (b) As used in this section, "opihi" shall have the same
2 meaning as in section 188-A(h)."

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. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 5. New statutory material is underscored.

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

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H.B. NO. 1155

Report Title:

Conservation and Resources; Resource Management; Opihi

Description:

Limits where and when the taking, harvesting, or possession of opihi may occur statewide. Requires annual reports.

Establishes a moratorium on the taking, harvesting, or possession of opihi on Oahu until June 30, 2017, except for taking, harvesting, or possession in accordance with constitutionally protected cultural practices.

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