



HB1707

RELATING TO OPIHI

House Committee on Ocean, Marine Resources, & Hawaiian Affairs

January 29, 2014

8:45 a.m.

Room 325

The Administration of the Office of Hawaiian Affairs (OHA) will recommend to the Board of Trustees a position of **SUPPORT WITH AMENDMENTS** for HB1707, which seeks to allow the rehabilitation of 'opihi stocks throughout the state by establishing seasons for collection, protecting submerged and offshore 'opihi stocks, and implementing a five-year moratorium on the taking of 'opihi from the island of O'ahu.

Hawai'i's 'opihi are being loved to death. Hawai'i's 'opihi are a prized food among local residents, as reflected in popular song lyrics, the ever-increasing high prices of 'opihi meat, and the considerable risks taken by those who gather them for the markets, and for home consumption. The subsistence gathering of 'opihi along the shoreline has also been a traditional and customary practice enjoyed by Native Hawaiian and kama'āina families for generations, and has served to both bring families together, as well as foster an early appreciation for the ocean and its resources. However, the notable scarcity of 'opihi in populated areas, especially on O'ahu, has indicated for years that harvesting pressures have resulted in a serious decline of this important resource. While studies continue to be conducted for the development of strategies to best restore our 'opihi stocks, it appears incumbent on the state to take immediate action to rehabilitate and better manage our 'opihi stocks, so that future generations may continue to enjoy this cultural resource and traditional local delicacy.

This bill affirms the state's responsibility to conserve and better manage our 'opihi stocks for future generations to harvest and enjoy. Given the critical state of 'opihi populations throughout our islands, and given the increasing pressures that have been placed on our remaining 'opihi stocks with the recent economic downturn, it is readily apparent that the state has a duty to take action to conserve this important natural and cultural resource.¹ This measure is therefore a much needed step in the right direction, to ensure that 'opihi stocks are allowed to meaningfully recover, and that harvesting practices are continued only in a responsible and sustainable manner.

In order to improve the practical enforceability, clarity, and overall effectiveness of this measure, OHA recommends the following amendments:

¹ HAW. CONST. ART. XI SECS. 4, 6.

On page 4, lines 8-10:

~~“(2) An instrument that is commonly used as a tool to harvest or take opihi such as an opihi knife;] and~~
[(3)](2) Live opihi.”

On page 4, lines 11-18:

“(d) [~~It shall be unlawful for~~] Notwithstanding subsection (a), and subject to subsections (b), (c), (e), (g), and (h), any person [tø] may take or harvest or possess opihi from above the waterline of the coastal areas or nearshore waters of the State [or be in possession of opihi within the State during the closed seasons from February 1 through May 31, and September 1 through November 30; provided that opihi taken or harvested from above the waterline during the open seasons- (] from July 1 through August 30 and from December 1 through January 31 [)may be possessed for sale or consumption during the closed seasons.].”

Therefore, the OHA Administration urges the committee to **PASS WITH AMENDMENTS** HB1707. Mahalo for the opportunity to testify on this important matter.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS**

**Wednesday, January 29, 2014
8:45 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 1707
RELATING TO OPHI**

House Bill 1707 proposes to prohibit the taking of opihi from off-shore islets, jetties and breakwaters, fisheries management areas, fisheries replenishment areas, natural area reserves, refuges, and marine life conservation districts established by the Department of Land and Natural Resources (Department), establishes a bag limit, an Oahu moratorium, and provides an exemption for native Hawaiian gathering. **The Department understands and supports the intent of the bill.**

The Department is working on an administrative rule for opihi and would prefer to manage these resources through a rule rather than through a statute. The rule process allows for the development of a more comprehensive and detailed management scheme, would provide more discussion opportunities in the local communities, and enable the Department to amend the rules as the need arises. We believe that we already have the necessary legislative authorities to achieve the intent of this legislation.

The Department has met with scientists and opihi dealers to discuss administrative rules to provide for long term sustainable management of opihi. The Department's concepts (still under discussion) include an Oahu moratorium, a clarification on how to measure opihi, a slot size limit, and a new licensing requirement for opihi dealers to track opihi through the market. These ideas need to be discussed in more detail with opihi fishers before they are ready for broader public consideration.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
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 Nature Conservancy of Hawai'i
Supporting H.B. 1707 Relating to 'Opihi
House Committee on Ocean, Marine Resources & Hawaiian Affairs
Wednesday, January 29, 2014, 8:45AM, Room 325

The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of the lands and waters upon which life in these islands depends. The Conservancy has helped to protect nearly 200,000 acres of natural lands in Hawai'i. Today, we actively manage more than 32,000 acres in 10 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.

The Nature Conservancy supports H.B. 1707. We believe this measure is an important step toward recovery of over-harvested 'opihī species in Hawai'i.

'Opihī shells in archaeological layers are some of the earliest evidence of human habitation in the Hawaiian islands. Indeed, 'opihī have been an important and prized food source for Hawaiians for centuries.

Although limpets grow throughout the world, Hawai'i's 'opihī are only found here, evolving over thousands of years in isolation to become unique species in the world.

Sadly, Hawaiian 'opihī are severely depleted and becoming increasingly difficult to find in the main islands. We are in danger of losing not only a marine animal that is unique in the world, but also losing an important direct connection to Hawaiian history and culture.

Thank you for the opportunity to testify in support of this bill.

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HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

January 29, 2014, 8:45 A.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 1707

Aloha Chair Hanohano and Members of the Committee:

The Sierra Club, Hawaii Chapter, with over 12,000 dues paying members and supporters statewide, supports HB 1707. This measure establishes a moratorium on the harvesting of 'opihi on Oahu and creates open and closed seasons Statewide.

'Opihi populations have declined in Hawai'i. This is mostly as a result of overharvesting due to 'opihi's popularity as a delicacy. Commercial harvest numbers on 'opihi, which are the only statewide statistics available to measure the size of 'opihi populations, show a decline from about 16,000 pounds harvested annually in 1970 to less than 8,100 pounds a year now. The increasing price of 'opihi, under the rule of supply and demand, also indicates a decline in the supply of 'opihi.

This measure generally restricts the harvesting of 'opihi while preserving the cultural subsistence and religious uses of the 'opihi. A moratorium on harvesting would be the easiest policy tool to enforce while allowing the populations to recover. Open and closed seasons statewide would allow for the ongoing protection of this valuable part of Hawai'i's culture and history.

Please give the little guys a break.

Thank you for the opportunity to testify.

fax

To:

Committee On Ocean, Marine Resources and Hawaiian Affairs

Fax number:

808 586-8494

From:

Boyd's Fish Market LLC

87-1784 Farrington Hwy B4 Waianae, HI 96792

Fax number:

808 668-8670

Date:

1/27/2014

Regarding:

Testimony HB 1707

Phone number for follow up:

[Phone number]

Comments:

Testimony against opihi bill

Boyd's Fish Market LLC
87-1784 Farrington Hwy. B4
Nanakuli, Hawaii 96792

Testimony of Boyd Kaneshiro
Owner

Before the Committee On Ocean,
Marine Resources and Hawaiian Affairs

Representative Faye P. Hanohano, Chair
Representative Ty J.K. Cullen, Vice Chair

Wednesday, January 29, 2014
8:45 AM
State Capitol, Conference Room 325

IIB 1707
Opihi Harvesting and Possession Restrictions

To all committee members, attached you will see a copy of the Annual Commercial Opihi Harvest by Fiscal Year report provided by the Division of Aquatic Resources, DLNR, State of Hawaii from the years 1948 to 2010. Keep in mind when looking at these figures, that the population in Hawaii over these 62 years has increased tremendously, yet the amount of opihi harvested on average has not declined substantially as has been declared in the opening paragraph of HB 1707. Granted, this report does not provide conclusive evidence about the overall health of the opihi stock population in our state, but for now it does illustrate, in general, our opihi population is still doing quite well.

Although I can appreciate the intent of this bill in its effort to create conservation measures to help to restore and perpetuate the availability of the opihi, especially on Oahu island, I am opposed to HB 1707. There is too much ambiguity within this bill.

These questions come to mind:

1. What is this below water line, above waterline thing?
2. How do you determine areas of closure?
3. How was it determined when to open and close seasons?
4. How do you justify who is a Native Hawaiian?
5. How will it be possible to enforce this law to make this law effective?

Further data and clarification is much needed before this bill can be enacted. A better solution would be to simplify this whole bill .

Annual Commercial Opihi Harvest by Fiscal Year

Fiscal year	No. licenses	Lbs. harvested	Lbs. sold	Nominal Value	Adjusted Value	Honolulu CPI ¹	Fiscal year	No. licenses	Lbs. harvested	Lbs. sold	Nominal Value
1948	27	8,141	7,992	\$4,158	\$38,005	25.7	1980	49	10,617	9,686	\$20,730
1949	56	17,842	17,581	\$7,535	\$70,241	25.2	1981	36	7,889	7,281	\$16,281
1950	18	9,191	8,974	\$3,899	\$37,693	24.3	1982	36	7,725	6,937	\$17,492
1951	11	3,999	3,991	\$1,376	\$12,579	25.7	1983	38	6,675	6,120	\$14,908
1952	7	2,835	2,571	\$1,080	\$9,572	26.5	1984	40	8,548	7,638	\$18,301
1953	7	3,769	3,594	\$1,449	\$12,746	26.7	1985	36	13,512	12,730	\$30,548
1954	5	1,567	1,567	\$587	\$5,122	26.9	1986	64	12,426	11,796	\$31,810
1955	11	1,831	1,830	\$732	\$6,301	27.3	1987	91	17,949	15,292	\$40,769
1956	24	17,085	17,055	\$2,822	\$23,932	27.7	1988	71	12,285	11,590	\$30,004
1957	21	22,902	22,758	\$3,762	\$30,898	28.6	1989	68	12,675	10,441	\$27,923
1958	15	11,794	11,794	\$4,266	\$33,406	30.0	1990	58	7,848	7,035	\$21,002
1959	8	9,092	9,092	\$3,613	\$27,827	30.5	1991	58	7,680	6,160	\$20,209
1960	11	18,274	18,249	\$7,722	\$57,949	31.3	1992	55	9,271	7,315	\$26,748
1961	7	10,293	10,283	\$4,266	\$31,217	32.1	1993	39	5,672	4,741	\$18,915
1962	10	7,297	6,997	\$3,629	\$25,987	32.8	1994	41	9,898	8,055	\$35,552
1963	17	18,800	17,862	\$7,933	\$55,624	33.5	1995	50	13,462	11,947	\$56,129
1964	18	19,211	19,072	\$8,862	\$61,769	33.7	1996	52	14,012	11,785	\$42,448
1965	14	16,851	16,487	\$7,973	\$54,444	34.4	1997	46	10,326	9,011	\$33,936
1966	13	13,989	13,907	\$6,819	\$45,375	35.3	1998	55	11,886	10,308	\$43,249
1967	40	36,000	35,788	\$23,126	\$149,653	36.3	1999	43	12,028	10,710	\$48,787
1968	26	23,185	22,936	\$15,606	\$97,235	37.7	2000	35	10,338	9,134	\$41,936
1969	36	23,818	23,752	\$18,345	\$109,374	39.4	2001	31	12,385	11,684	\$58,927
1970	41	20,446	20,196	\$18,623	\$105,409	41.5	2002	28	12,847	11,745	\$56,384
1971	46	17,229	17,206	\$17,084	\$92,893	43.2	2003	26	12,705	12,175	\$63,034
1972	44	16,739	15,877	\$16,071	\$84,542	44.8	2004	21	10,637	8,983	\$53,164
1973	46	17,169	17,154	\$18,418	\$92,841	46.6	2005	11	8,522	5,565	\$46,784
1974	51	19,558	19,330	\$23,424	\$106,843	51.5	2006	17	8,957	4,171	\$44,616
1975	48	14,512	14,224	\$20,207	\$84,309	56.3	2007	19	7,435	6,220	\$64,914
1976	52	19,052	17,957	\$29,852	\$118,650	59.1	2008	27	7,867	6,271	\$56,348
1977	60	13,969	13,067	\$27,727	\$104,879	62.1	2009	22	17,956	9,661	\$69,557
1978	54	15,119	13,590	\$25,815	\$90,643	66.9	2010	33	25,241	10,821	\$66,869
1979	51	14,146	12,717	\$25,049	\$79,193	74.3					

Annual commercial opihi harvest information are compiled from monthly fishing reports submitted by licensed commercial fishers.

* Lbs sold & Value are compiled from commercial marine dealer reports since October 2002 when the Fish Report was revised and implemented.

¹ Consumer Price Index for all urban consumers for Honolulu, *The State of Hawaii Data Book*, Dept. Business & Development and Tourism

Source: Division of Aquatic Resources, Dept. Land & Natural Resources, State of Hawaii

6/1/2011

COMMITTEE ON OCEAN, MARINE RESOURCES AND HAWAIIAN AFFAIRS

Representative Faye P. Hanohano, Chair
Representative Ty J.K. Cullen, Vice Chair

HB1707: Relating to ‘Opihi

Honorable Chair Hanohano, Vice Chair Cullen and members of the House Committee on Ocean, Marine Resources, and Hawaiian Affairs:

My name is Hokuala Johnson and while my day job is the Acting Deputy Superintendent for Policy and Programs for Papahānaumokuākea Marine National Monument (NOAA) and Principle Investigator for the annual intertidal monitoring cruises to the Northwestern Hawaiian Islands (NWHI); I submit my testimony on HB1707 as a private citizen. I am writing today to express my support for two sections of HB1707.

‘Opihi is a valuable cultural and natural resource to the people of Hawai‘i. It is discussed as ‘aumakua in the Hawaiian language newspapers, there are numerous ‘olelo no‘eau about ‘opihi, ‘opihi shells are still used as jewelry, scrapers, lures, and as educational tools. In addition, ‘opihi is found on the table at weddings, baby luaus, graduation parties and many other social gatherings. In essence, ‘opihi brings people together.

Support for restriction on ‘opihi harvesting from protected areas and offshore islets

Section §188-A is an excellent management tool to protect breeding adult ‘opihi by establishing “no take” areas. ‘Opihi have free-swimming larvae (earliest life stage) which will settle both in and outside of no take areas where harvest is legal. Banning ‘opihi harvesting in areas already protected by the Department of Land and Natural Resources (including fishery management areas, fisheries replenishment areas, natural area reserves, refuges and marine life conservation districts) is an excellent first step toward restoring our ‘opihi populations statewide, and will help in the statewide ‘opihi monitoring effort underway by scientists at the Hawai‘i Institute of Marine Biology and Texas A&M University Corpus Christi to conduct baseline studies of ‘opihi populations. Again, this management strategy is excellent for ‘opihi because adult ‘opihi stay in one place, have free swimming larvae, and the larvae will settle into areas that are open for harvest.

Support for moratorium on ‘opihi harvesting on O‘ahu

‘The only place one may find ‘opihi on O‘ahu are offshore islands and restricted areas like military bases. The noticeable lack of ‘opihi on O‘ahu forces pickers to “pound” ‘opihi on less populated islands like Moloka‘i, the east side of Maui, and Hawai‘i Island. This dangerous domino effect of ‘opihi picking on the neighbor islands so O‘ahu’s inhabitants are supplied, must stop. While it may appear that an ‘opihi moratorium on O‘ahu could potentially create a run on neighbor island ‘opihi, it will not, as Oahu shores currently yield very few ‘opihi and make no significant contribution to the commercial harvest of ‘opihi. A moratorium for ‘opihi on O‘ahu would allow the small population to rest, reproduce and replenish itself for future generations; an O‘ahu moratorium would also help to ensure that fewer neighbor island ‘opihi end up in Honolulu markets. In addition, the wording in this bill (section §188-B) is also clear and enforceable, if you are seen gathering ‘opihi while the ban is in effect, you are in violation.

In conclusion – this bill is a great start toward active management of ‘opihi stocks in Hawai‘i. It is encouraging to see this bill on the table for discussion and consideration by the Committee on Ocean, Marine Resources, and Hawaiian Affairs. Thank you for the opportunity to submit testimony on this measure.

TESTIMONY OF JOEL SUMIDA
HB 1707 – RELATING TO OPIHI
Committee on Ocean, Marine Resources, & Hawaiian Affairs
Wednesday, January 29, 2014
8:45 a.m. – Conference Room 325

Dear Chair Hanohano and Committee Members:

Thank you for this opportunity to present written testimony in opposition of HB 1707, relating to the restrictions for harvesting and possessing opihi.

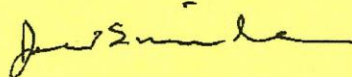
Being an opihi picker for personal use, I offer the following concerns for your serious consideration:

1. Mandating closed seasons for harvesting opihi could potentially make it more dangerous for opihi harvesters who feel determined to harvest opihi in rough waters during the open season, especially for those who harvest opihi for sale to others. The taking of opihi is very dangerous and can only be done when the tides, wind and surf will allow. This happens maybe 10 times in a year, making it self-regulated. By setting an open season, you will force people to take risks that they normally would not because of the limited number of days that a season would provide.
2. Instead of mandating closed seasons, the commercial sale of opihi should be prohibited. This would greatly assist with reducing the "ten-fold" decline in the amount of opihi. I believe this is the leading cause of the rapid decline in available opihi.
3. In regards to the bag limit of one quart, opihi is a delicacy and one of the special foods served at parties. The limit of one quart would eliminate this local favorite from all parties.

In closing, while we are all concerned for our available resources, we need to consider the safety issues as well as other important factors, such as regulating the selling of those valuable resources prior to limiting our long-time recreational and traditional practices. A solution to this problem is to stop all sales of opihi, like the State did with the O'opu and Hihiwai.

Thank you for your consideration of my opposition to HB 1707.

Sincerely,



Joel Sumida
6634 Alahele St.
Kapa'a, Hawai'i 96746

cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 24, 2014 2:05 PM
To: omhtestimony
Cc: lmhubbard@hawaiiantel.net
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HB1707

Submitted on: 1/24/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
		Support	No

Comments: P5,L7 should be amended to create Kahoolawe as a permanent conservation area and should no longer be the private fishing and gathering area of the Kahoolawe Commission, their friends, their relatives or PKO.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 27, 2014 10:47 AM
To: omhtestimony
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HB1707

Submitted on: 1/27/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Kohatsu	Individual	Oppose	No

Comments: While I have to oppose HB 1707, there are some parts of the bill I would support. I do believe it is imperative that DLNR submit and publish studies on the Opihi resources for everyone to read and understand the situation. However, the ambiguity of the "op ihi knife" leaves a lot subject to a DOCARE officer and could make criminals out of people who are not harvesting opihi underwater. The main issue I have with any proposed legislation on the part of DLNR is that they are tasked to conduct the science and present the data to the public. I am not aware of any officially published data on Opihi (or much of any other marine resource) from DLNR. Legislation should be based on real data and facts ... not subjective views on a resource which is what this appears to look like.

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cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 23, 2014 9:46 PM
To: omhtestimony
Cc: dean@HawaiiGoesFishing.com
Subject: Submitted testimony for HB1707 on Jan 29, 2014 08:45AM

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HB1707

Submitted on: 1/23/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Sensui	Individual	Oppose	No

Comments: I oppose this bill for two reasons: First of all, there is a scientifically technical error where it says the minimum length of 1.25” will help ensure the protection of opihi. According to extensive studies on opihi here and in the Northwestern Hawaiian Islands by Dr. Chris Bird of Texas A&M, the minimum size as currently dictated by DAR regulations is too small. Opihi spawn much more effectively at sizes larger than 1.25”. Furthermore, there are at least three types of opihi, and the minimum breeding size for each are different. Changing this one regulation (minimum sizes) can be a significant help in ensuring proper management for this fishery. Creating harvesting seasons might also help, but it has not been determined if there is a particular time of the year in which opihi spawn. Interestingly enough, Dr. Bird has said that there is enough habitat on the island of Oahu to provide opihi for the entire state’s commercial market. But to do that, the fishery has to be properly managed both in terms of a larger minimum size and controlled harvest rate. This requires much more diligent enforcement than is currently taking place. A moratorium for Oahu’s shorelines would help at first. But a better management plan is essential to keep that fishery productive in the long run. Another interesting discovery by Dr. Bird: The density of opihi along the shores of Hawaii Island are nearly equal to that of the shorelines of the Northwestern Hawaiian Islands. While that fishery still needs to be carefully managed, it does not have to be shut down. The other reason for my opposition of this bill is that all fishery management rules must be done under Administrative Rules as described in Chapter 91 of the Hawaii Revised Statutes. Legislation doesn’t have the flexibility of an administrative rule instituted by the DAR. Also, any fishery management strategy needs to be backed up by studies to determine effectiveness, followed by adjustments in that strategy. It wouldn’t be an efficient process to have to go back to the legislature each time a change needs to be made to accommodate discoveries along the way. Please allow the Division of Aquatic Resources to take the lead in managing this valuable resource without unnecessarily depriving our community of its availability. Thank you for your thoughtful consideration. Aloha, Dean Sensui, Executive Producer. Hawaii Goes Fishing.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Thomas T. Shirai Jr
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January 26, 2014

Committee on Ocean, Marine Resources, & Hawaiian Affairs
Representative Faye Hanohano, Chair
Representative Ty Cullen, Vice Chair

Notice of Hearing
Wednesday, January 29, 2014
8:45AM
Conference Room 325
State Capitol
415 South Beretania Street

Testimony Supporting HB 1707 (Relating to Opihi)

Aloha Chair Hanohano and Committee Members,

I am a lifetime resident of Mokule'ia with lineage spanning several generations in Waialua. I'm currently serving on the North Shore Neighborhood Board 27 (Sub-District 1 Mokule'ia – Ka'ena Point) who is active in community and cultural concerns here in Waialua for a while. However, I'm testifying as an individual and member of the general public.

I'm in strong support of HB 1707 (Relating to Opihi) because it's preservation of subsistence resources for future generations because of the influx of outsiders encroaching upon the Northwest Coastline of Waialua (Mokule'ia, Kikahi, Auku'u, Kawaihapai, Kealia & Ka'ena) has experienced this. My Kupuna protected their resources from outsiders especially during the plantation era when immigrants brought their lack of conservation with them. Ka'ena Point was once abundant with Opihi for subsistence purposes.

Here in Mokule'ia, my Grandfather taught me the ways of the ocean and shared the following which I've continued throughout my entire life:

1. No outsiders were allowed to fish unescorted except for exception listed below.
2. If permission was granted, you were restricted to the method least impacting the resource which was pole fishing or shore casting of 2 poles.
3. Absolutely no netting, spear fishing, seaweed or shellfish gathering was permitted. You had to participate with them.
4. If you are from a specific geographical location, then that is the only area you gather subsistence and not encroach upon another community's resource.
5. Within the contents previously mentioned if the desired subsistence is unavailable then substitute or wait for availability
6. If insistence of a specific resource if desired, then purchase it from the store or trade.

Place names such as Nanakuli and Makaha define protection of subsistence resources. All of those mentioned above conform to the Kapu System with each area having their own specifications like amendments regarding legislation. However for HB 1707, I would like to note the strong emphasis on items 3 and 4 mentioned above.

The last few years, legislation regarding protection of Opihi gathering has been introduced especially from Senator Clayton Hee however it has met with opposition and/or differed. Today we have the Ka'ena Natural Area Reserve (NAR) complementing the off shore BRFA (Bottom Fish Restricted Fishing Area) however gathering of Opihi and fishing allowed within the NAR defeats its purpose.

I'd like to request amending HB 1707 to at least have this enacted in places such as Ka'ena Natural Area Reserve (NAR) here on Oahu Island. This legislation is a long overdue step in the right direction.

Mahalo for the opportunity to send testimony supporting HB 1707 (Relating to Opihi). Thank you for your time. Malama Pono.
Thomas T Shirai Jr

ALOHA

MY NAME IS EDWIN RAY "A'ALONA" DELA CRUZ. I OPPOSE THIS BILL.

I AM FROM WAIMEA VALLEY KAUAI, BORN AND RAISED. FOR AS LONG AS I CAN REMEMBER, MY DAD AND HIS FRIENDS WOULD PLAN TRIPS ACROSS TO NI'HAU TO DIVE, FISH AND/OR PICK OPIHI. THIS WAS ALL WEATHER CONDITIONS PERMITTING. I ALWAYS LOOKED FORWARD TO THESE TRIPS, WELL THE ONES I WAS INVITED TO GO ALONG ON. THERE WASN'T ALWAYS ROOM FOR A LITTLE KID TO TAG ALONG. AS I GOT OLDER I GOT INVITED MORE OFTEN AS I WOULD BE MORE HELPFUL THAN IN THE WAY. AS AN ADULT I HAVE PLANNED TRIPS OF OWN MY WITH FRIENDS AS MY DAD DID DURING THE YRS OF MY YOUTH. A COUPLE YRS AGO I WAS ABLE TO TAKE MY DAUGHTER WITH US WHICH I KNEW SHE ENJOYED AS I DID WHEN I WAS HER AGE COMING ACROSS FOR THE FIRST TIME. SHE CONTINUOUSLY ASKS ME WHEN WE CAN GO AGAIN. WEATHER DOESN'T ALWAYS WORK WITH OUR SCHEDULE. SOMEDAY I'LL TAKE MY SON. I PERSONALLY TEACH BOTH MY DAUGHTER HI'ILEI (15) AND SON KAI AO (13) HOW TO DIVE, FISH AND PICK OPIHI. I ALSO TAKE ANY OF THEIR FRIENDS WITH US THAT HAVE THE DESIRE TO LEARN THIS ART AS I HAVE. JUST FOR THE RECORD I'M A RECREATIONAL DIVER, DIVING FOR SUBSISTENCE. FROM WHAT I UNDERSTAND ABOUT THIS BILL, IT'S TO PROTECT THE WATERS SURROUNDING THE ISLAND FOR SUBSISTENCE USE. WELL THAT IS THE MAIN REASON I GO THERE. ALSO THERE IS A POPULATION OF THIRTY (30) PEOPLE LIVING ON THE ISLAND. IS THERE REALLY NOT ENUFF FISH TO GO AROUND WITH THE FEW PEOPLE THAT HAVE BOATS LARGE ENUFF TO MAKE THE TRIP THERE AND BACK SAFELY. THIS TRIP ISN'T ONE THE CAN BE MADE REGULARLY, AS MOST PEOPLE THAT GO THEIR DON'T OWN LARGE BOATS. MOST OF THE PEOPLE LIVING THERE DON'T FISH OR DIVE. THIS IS COMING FROM FRIENDS AND OHANA THAT COME FROM NI'HAU. GROWING UP IN WAIMEA I REMEMBER SEEING THE FAMILIES OF NI'HAU SHOPPING AT ISHIHARA AND BIG SAVE SUPERMARKETS BUYING CASES AND PALETS OF SUPPLIES TO BRING BACK TO NI'HAU ON THE ROBINSON BARDGE THAT PERIODICALLY TRANSITS BACK AND FORTH BETWEEN KAUAI AND NI'HAU. ANOTHER COMMENT WAS MADE THAT THIS WAS BEING DONE TO PROTECT CULTURAL PRACTICES AND BELIEFS. PLEASE EXPLAIN TO ME HOW HELICOPTER TOURS, HUNTING AND FISHING EXPEDITIONS/ TOURS ARE CULTURAL. HUNTING OF ANIMALS NOT NATIVE TO THE ISLANDS. THESE ANIMALS WERE BROUGHT IN AND FARMED FOR THE EXOTIC HUNTING PURPOSES. AGAIN PLEASE EXPLAIN HOW THAT FALLS UNDER CULTURAL PRACTICES. ALSO EXPLAIN TO ME HOW MILITARY PRESENCE ON THE ISLAND IS CULTURAL. RADAR SYSTEMS, HELIPAD, AIRSTIP AND SPECIAL OPS TRAINING. AS AN INDIVIDUAL BORN AND RAISED ON THESE ISLANDS, I LIVE OFF THE OCEAN PARTIALLY AS A LIFESTYLE. I CAN GO ON AND ON ABOUT HOW I AM A NATIVE HAWAIIAN AND SUCH BUT I THINK THAT THIS IS MORE THAN JUST A HAWAIIAN THING. IT'S MORE OF A COMMUNITY (OCEAN USERS COMMUNITY) ISSUE. HOW WILL BILLS LIKE THIS PROTECT US AS KAUAIIANS FROM RESIDENTS OF ALL THE OTHER ISLANDS FROM UTILIZING OUR RESOURCES, AS WELL AS ALL THE ISLANDS FROM EACH

OTHER. GIVEN MORE NOTICE AND HEARING LOCATION ON KAUAI, WE WOULD HAVE A BETTER TURN OUT IN RESPONSE TO THIS ISSUE. THE FEW KAUAI FISHERMEN THAT GO ACROSS TO NI'HAU IS THE ONES MOSTLY EFFECTED BY THESE BILLS. MOST WERE UNAWARE AND OR UNABLE TO ATTEND THIS HEARING HERE ON OAHU DUE TO IT'S LOCATION. THIS HEARING SHOULD HAVE BEEN HELD ON KAUAI WHERE IT HAS THE BIGGEST IMPACT. THIS IS JUST MY OPINION. THAT WAY THE PEOPLE OF NI'HAU MAY ALSO VOICE THEIR OPINION ON THIS MATTER. ONCE AGAIN I OPPOSE THIS BILL. IF IT MAKES ANY DIFFERENCE, I AM A NATIVE HAWAIIAN.

MAHALO NUI LOA

EDWIN RAY "A'ALONA" DELA CRUZ

cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 23, 2014 9:52 PM
To: omhtestimony
Cc: makani.christensen@gmail.com
Subject: Submitted testimony for HB1707 on Jan 29, 2014 08:45AM

Follow Up Flag: Follow up
Flag Status: Flagged

HB1707

Submitted on: 1/23/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
makani	Individual	Oppose	No

Comments: I strongly oppose this bill. Opihi are not endangered and have been a part of the food chain here in Hawaii since the first records of human existence --over 300 ad. The laws that are currently in place have worked. There is no evidence that the opihi are in danger of being wiped out.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 24, 2014 2:16 PM
To: omhtestimony
Cc: 808black@gmail.com
Subject: Submitted testimony for HB1707 on Jan 29, 2014 08:45AM

Follow Up Flag: Follow up
Flag Status: Flagged

HB1707

Submitted on: 1/24/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jerome Kelii Marks	Individual	Oppose	No

Comments: This bill violates my constitutional rights to gather Artical 12 section 7 NATIVE GATHERING RIGHT.

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cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 26, 2014 10:40 AM
To: omhtestimony
Cc: reiko1975@yahoo.com
Subject: Submitted testimony for HB1685 on Jan 29, 2014 08:45AM

Follow Up Flag: Follow up
Flag Status: Flagged

HB1685

Submitted on: 1/26/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
reiko muratake	Individual	Oppose	No

Comments: I Reiko Muratake appose to these bills HB1685, HB1686, HB1687 HB1707, HB1921

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cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, January 25, 2014 10:34 PM
To: omhtestimony
Cc: iamaki66@gmail.com
Subject: *Submitted testimony for HB1707 on Jan 29, 2014 08:45AM*

Follow Up Flag: Follow up
Flag Status: Flagged

HB1707

Submitted on: 1/25/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ian Amaki	Individual	Oppose	No

Comments:

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cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 28, 2014 1:35 PM
To: omhtestimony
Cc: waiolakai@yahoo.com
Subject: Submitted testimony for HB1707 on Jan 29, 2014 08:45AM

HB1707

Submitted on: 1/28/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Donovan Gadingan	Individual	Comments Only	No

Comments: I have been to Niihau and there is still a abundant amount of Opihi on the island and also on Kauai. The weather conditions, the shape of the islan and the seclusion of Niihau keeps it a very gaurded island.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 28, 2014 8:29 PM
To: omhtestimony
Cc: kssakuda@yahoo.com
Subject: Submitted testimony for HB1707 on Jan 29, 2014 08:45AM

Follow Up Flag: Follow up
Flag Status: Flagged

HB1707

Submitted on: 1/28/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Sakuda	Individual	Oppose	Yes

Comments: Opihi is not endangered or threatened. Allow the state scientists who get paid by the state to make harvest rules.

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cullen2

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 29, 2014 2:00 AM
To: omhtestimony
Cc: kaheaf@gmail.com
Subject: Submitted testimony for HB1707 on Jan 29, 2014 08:45AM

HB1707

Submitted on: 1/29/2014

Testimony for OMH on Jan 29, 2014 08:45AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kahea	Individual	Support	No

Comments: Aloha mai, I am in support of this bill and would like to request an addition to Section 2. I am requesting the following additions to Section 2, "Niihau residence shall govern the taking, harvesting, or possessing of opihi on Niihau, including the islands historically associated with Niihau – they are Lehua, Kaula and Nihoa. Mahalo a nui loa

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony of Thomas Hashimoto

Before the House Committee on
Ocean, Marine Resources and Hawaiian Affairs

Wednesday, January 29, 2014
8:45 A.M.
State Capitol, Conference Room 325

**In Support H.B. 1686
RELATING TO OPIHI**

Aloha Chair Hanohano, Vice-Chair Cullen and Members of the Committee on Ocean, Marine Resources and Hawaiian Affairs,

House Bill 1686 requires the DLNR to adopt rules to regulate the taking or harvesting of opihi from the coastal areas or nearshore waters of the island of Niihau by nonresidents of the island. It prohibits the taking or harvesting of opihi until the DLNR adopts rules and establishes penalties. The bill requires DLNR to submit annual reports.

On behalf of my 'ohana, community members and those who feel that the protection of the natural resources for Niihau should be protected for the Hawaiians who live there, We **SUPPORT** House Bill 1686..

Respectfully yours,

Thomas Hashimoto, Manokalanipo
Phone: 808-652-0720
Email: Thomas.hashimoto@hotmail.com

Testimony of Rocky Kaluhiwa

Before the House Committee on
Ocean, Marine Resources and Hawaiian Affairs

Wednesday, January 29, 2014
8:45 A.M.
State Capitol, Conference Room 325

In Support H.B. 1707 with Amendment RELATING TO OPIHI

Aloha Chair Hanohano, Vice-Chair Cullen and Members of the Committee on Ocean, Marine Resources and Hawaiian Affairs,

House Bill 1707 establishes a moratorium on the harvesting of opihi on Oahu until July 1, 2019. It establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and traditional rights.

On behalf of my 'ohana, community members and those who feel that the protection of the natural resources for Niihau should be protected for the Hawaiians who live there, We **SUPPORT** House Bill 1707 with the amendment that the residents of Niihau be exempted from this moratorium.

Mahalo for your consideration.

Respectfully yours,

Rocky Kaluhiwa, Kakuhihewa
Ph: 808-286-7955

Testimony of Piilani Kaawaloa

Before the House Committee on
Ocean, Marine Resources and Hawaiian Affairs

Wednesday, January 29, 2014
8:45 A.M.
State Capitol, Conference Room 325

**In Support H.B. 1707 with Amendment
RELATING TO OPIHI**

Aloha Chair Hanohano, Vice-Chair Cullen and Members of the Committee on Ocean, Marine Resources and Hawaiian Affairs,

House Bill 1707 establishes a moratorium on the harvesting of opihi on Oahu until July 1, 2019. It establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and traditional rights.

On behalf of my 'ohana, community members and those who feel that the protection of the natural resources for Niihau should be protected for the Hawaiians who live there, We **SUPPORT** House Bill 1707 with the amendment that the residents of Niihau be exempted from this moratorium.

Mahalo for your consideration.

Respectfully yours,

Piilani Kaawaloa, Moku O Keawe
Ph: 808-896-4172

Testimony of Leslie Kuloloio

Before the House Committee on
Ocean, Marine Resources and Hawaiian Affairs

Wednesday, January 29, 2014
8:45 A.M.
State Capitol, Conference Room 325

**In Support H.B. 1707 with Amendment
RELATING TO OPIHI**

Aloha Chair Hanohano, Vice-Chair Cullen and Members of the Committee on Ocean, Marine Resources and Hawaiian Affairs,

House Bill 1707 establishes a moratorium on the harvesting of opihi on Oahu until July 1, 2019. It establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and traditional rights.

On behalf of my 'ohana, community members and those who feel that the protection of the natural resources for Niihau should be protected for the Hawaiians who live there, We **SUPPORT** House Bill 1707 with the amendment that the residents of Niihau be exempted from this moratorium.

Mahalo for your consideration.

Respectfully yours,

Leslie Kuloloio, Aha Moku O Kanaloa
Ph: 808-281-7652

Testimony of Winnie Basques

Before the House Committee on
Ocean, Marine Resources and Hawaiian Affairs

Wednesday, January 29, 2014
8:45 A.M.
State Capitol, Conference Room 325

**In Support H.B. 1707 with Amendment
RELATING TO OPIHI**

Aloha Chair Hanohano, Vice-Chair Cullen and Members of the Committee on Ocean, Marine Resources and Hawaiian Affairs,

House Bill 1707 establishes a moratorium on the harvesting of opihi on Oahu until July 1, 2019. It establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and traditional rights.

On behalf of my 'ohana, community members and those who feel that the protection of the natural resources for Niihau should be protected for the Hawaiians who live there, We **SUPPORT** House Bill 1707 with the amendment that the residents of Niihau be exempted from this moratorium.

Mahalo for your consideration.

Respectfully yours,

Winnie Basques, Lana'i
Ph: 808-215-1101

Testimony of Bruce and Leiana Robinson

Before the House Committee on
Ocean, Marine Resources and Hawaiian Affairs

Wednesday, January 29, 2014
8:45 A.M.
State Capitol, Conference Room 325

In Support H.B. 1707 WITH AMENDMENTS RELATING TO OPIHI

Aloha Chair Hanohano, Vice-Chair Cullen and Members of the Committee on Ocean, Marine Resources and Hawaiian Affairs,

House Bill 1707 establishes a moratorium on the harvesting of opihi on Oahu until July 1, 2019. It establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and traditional rights.

On behalf of the Native Hawaiian residents and Konohiki of Ka Aina O Kawelonakala, more commonly known as Niihau, we thank you for the opportunity to give you our mana'o on this bill as it relates to our island. As you know, the residents of Niihau live as our native ancestors did, in harmony with nature, the land and the sea. We survive on the bounty of the ocean, and what we can grow ourselves. Opihi and fish is a staple for us – we have no modern conveniences such as stores where we can purchase our food. We grow it, we gather and we fish. Opihi is a major part of our food staples.

We believe in sustaining our resources and follow our strict traditional seasonal system where we allow the resources to recover, spawn and reproduce. Following that system, we have always had enough to sustain our village and our people. However, in recent years, people who do not belong to Niihau have decimated our resources and we have had to appeal to our legislators for kokua.

We **SUPPORT** House Bill 1707 with the following amendment:

Section 2. Chapter 188, Hawaii Revised Statutes, amended by adding two new sections to be appropriately designated and to read as follows:

Insert a new clause after (g) to read: "Opihi gathering on Niihau shall be limited to a person domiciled on Niihau or to individuals accompanied by an individual who is domiciled on Niihau."

With the amendment stated above, we, the residents of Niihau as direct descendants of the original inhabitants of the island dating from 1864, 'ohana, friends and supporters of House Bill 1686 ask that this committee pass H.B1707...

Mahalo for your consideration.

Respectfully yours,

Leiana and Bruce Robinson
Ka Aina O Kawelonakala
Phone: 808-335-3500
Email: niihauisland@hotmail.net

67

HB1707

Ken M. M...

Ken / K...

Ginger Lynn Keim Kanahale

Daniel Nakai Pahuhuhua
Post Rt. Kachelaia St

Hanani Shintani
Melvin Kakaia Pahuhuhua
Rhoda S Pahuhuhua

Kimiyama N Kanahale
Stanley Kanahale

Melvin Kaniwa Pahuhuhua

Raymond K Pahuhuhua
William H Kanahale

Kenneth K Shintani ER

Myrtle Kawapuni Kahala

Paulie Kelaoha Shintani

Carrolla Kaliaurpukimaneokalani Kanahale

Henry K Kanahale

James K Kanahale

George N Niou

Heula Kanahale

HBI707

Yarnold K Kelley

Barney K Shintani Makaweli HI 96769

Stuart Fall Makaweli HI 96769

Patrick Niau jr

James S. Pehlehu
James S. Pehlehu

Keith Shultz Makaweli HI 690028

James E. Kachela Makaweli 96769

Long Kanahale

Long Kitchin
James Kachela

W.K.S.

Margaret Kelley

Angela Kelley

James K. Kelley
James K. Kelley

James K. Kelley
James K. Kelley

James K. Kelley James Kachela
James K. Kelley Makaweli HI 96769

James K. Kelley James Kachela

Bernard Kanahale Kekaha HI 96769
Douglas Kanahale Kekaha HI 96769

James Kanahale Kekaha HI 96769

James Kanahale Kekaha HI 96769