
A BILL FOR AN ACT

RELATING TO OPIHI.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The department of land and natural resources
2 shall adopt rules in accordance with chapter 91, Hawaii Revised
3 Statutes, to regulate the taking or harvesting of opihi from the
4 coastal areas or nearshore waters of the island of Niihau by
5 nonresidents of the island.

6 SECTION 2. (a) Until the department of land and natural
7 resources adopts rules pursuant to this Act, it shall be
8 unlawful for any person to take or harvest opihi from the
9 coastal areas or nearshore waters of the island of Niihau.

10 (b) Any person who violates this section is guilty of a
11 petty misdemeanor and, in addition to any other penalties, shall
12 be fined not less than:

- 13 (1) \$100 for a first offense;
14 (2) \$200 for a second offense; and
15 (3) \$500 for a third or subsequent offense.

16 (c) This section shall not apply to any person exercising
17 native Hawaiian gathering rights and traditional practices as
18 authorized by law or as permitted by the department of land and



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1 natural resources pursuant to article XII, section 7, of the
2 Hawaii constitution.

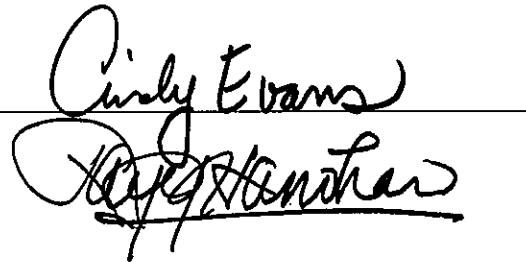
3 (d) As used in this section, "opihi" means all known
4 Hawaiian opihi species, including *Cellana exarata* (blackfoot),
5 *Cellana sandwicensis* (yellowfoot), *Cellana talcosa* (koele), and
6 *Cellana melanostoma* (greenfoot).

7 SECTION 3. Until the department of land and natural
8 resources adopts rules pursuant to this Act, the department
9 shall submit a status report regarding the adoption of rules to
10 the legislature no later than twenty days prior to the convening
11 of each regular session.

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

15 SECTION 5. This Act shall take effect upon its approval.
16

INTRODUCED BY:



JAN 14 2014



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Report Title:

DLNR; Opihi; Niihau; Nonresidents; Taking; Rules; Penalties

Description:

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. Prohibits the taking or harvesting of opihi until the DLNR adopts rules. Establishes penalties. Requires DLNR to submit 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.

