

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, & HAWAIIAN AFFAIRS**

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

**In consideration of**  
**HOUSE BILL 1686**  
**RELATING TO OPIHI**

House Bill 1686 proposes to prohibit the taking of opihi by nonresidents of Ni'ihau from the coastal and nearshore areas around Ni'ihau. The Department of Land and Natural Resources (Department) supports the intent of this bill.

The Department is working on an administrative rule for Ni'ihau and would prefer that activities around Ni'ihau be managed 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.

**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



## **Association of Hawaiian Civic Clubs**

P. O. Box 1135  
Honolulu, Hawai`i 96807

### HOUSE COMMITTEE ON OCEAN MARINE RESOURCES AND HAWAIIAN AFFAIRS

#### HB 1686 RELATING TO OPIHI

Wednesday, 1/29/14; 8:45 a.m.; Room 325

Aloha Madam Chair Hanohano and members of the House Committee on Ocean Marine Resources and Hawaiian Affairs. The Association of Hawaiian Civic Clubs, meeting in convention on Kauai in November, 2013 was appalled to learn that many, many bags of opihi were being taken from Niihau shores by intruders. Adding insult to injury, the intruders ignored Niihau residents who asked them to stop, and continued to take the opihi.

Because opihi is such a special delicacy that grows where waves are roughest and gathering is most dangerous, prices for opihi are high. Fluctuating between \$150 -\$250 a gallon, opihi sales can be lucrative, especially if sold privately. Greed is clearly a more motivating factor than food for the people of Niihau.

This bill makes it unlawful and sets fines for taking opihi from the coastal areas or nearshore waters of Niihau by nonresidents until the DLNR can adopt rules to regulate such taking. The DLNR must also submit status reports to each legislative session until the rules are adopted.

We are a little concerned, however, by Section 2, (c) that could leave the door open for native Hawaiian nonresidents to take opihi from Niihau.

The bill further exempts any person exercising native Hawaiian gathering rights and traditional practices currently authorized by law.

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

Contact: [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net)



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 1686**

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 1686. This measure requires regulation of the taking of 'opihi off of the coastal areas of Ni'ihau.

'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. 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.

**cullen2**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 26, 2014 2:25 PM  
**To:** omhtestimony  
**Cc:** mdelacrz@hawaiiintel.net  
**Subject:** Submitted testimony for HB1686 on Jan 29, 2014 08:45AM

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**HB1686**

Submitted on: 1/26/2014

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tadashi Muratake jr	Individual	Oppose	No

Comments: Aloha, my name is Tadashi Muratake, and I oppose this Bill. Traditionally the areas used for picking Opihi are not accessible to the residents of Niihau. Opihi picking is usually done on the east side of the island, the village is on the west side. There are no roads to these areas, the coastline is steep sheer cliffs reassembling the cliffs of the Na Pali on Kauai. Since they claim to not have boats they cannot access this area. The areas anywhere near the village should definitely be protected and reserved for the residents of Niihau. But banning all Opihi picking to all non residents around the entire island is wrong. Trying to protect the rights of one group of Hawaiians by stepping on the rights of other Hawaiians is no the answer. Mahalo, and Aloha.

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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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'IIHAU 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'IIHAU. GROWING UP IN WAIMEA I REMEMBER SEEING THE FAMILIES OF NI'IIHAU SHOPPING AT ISHIHARA AND BIG SAVE SUPERMARKETS BUYING CASES AND PALETS OF SUPPLIES TO BRING BACK TO NI'IIHAU ON THE ROBINSON BARDGE THAT PERIODICALLY TRANSITS BACK AND FORTH BETWEEN KAUAI AND NI'IIHAU. 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'IIHAU 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'IIHAU 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**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 24, 2014 1:42 PM  
**To:** omhtestimony  
**Cc:** teresamlee.51@gmail.com  
**Subject:** Submitted testimony for HB1686 on Jan 29, 2014 08:45AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**HB1686**

Submitted on: 1/24/2014

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa L. Nakama	Individual	Oppose	No

Comments: I strongly oppose. There is no true scientific studies that show the need for this bill and it is not base on the true nature of science. The opihi are still in abundance, just not where the access is easy accessible to the public and heavily developed populated areas. On every Island there are areas there have no access to the public and marine species and opihi thrives in abundance. Areas like the Hamakua Pali, Valleys, and were there are no roads that leads to the coastal areas.

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**cullen2**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, January 25, 2014 11:05 PM  
**To:** omhtestimony  
**Cc:** iamaki66@gmail.com  
**Subject:** \*Submitted testimony for HB1686 on Jan 29, 2014 08:45AM\*

**Follow Up Flag:** Follow up  
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**HB1686**

Submitted on: 1/25/2014

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ian Amaki	Individual	Oppose	No

Comments:

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**cullen2**

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**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

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**HB1685**

Submitted on: 1/26/2014

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
reiko muratake	Individual	Oppose	No

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

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**cullen2**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 28, 2014 1:26 PM  
**To:** omhtestimony  
**Cc:** waiolakai@yahoo.com  
**Subject:** Submitted testimony for HB1686 on Jan 29, 2014 08:45AM

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**HB1686**

Submitted on: 1/28/2014

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Donovan Gadingan	Individual	Comments Only	No

Comments: Instead of closing the whole island of Niihau, I think a 1 mile boundry from the village banding any fishing, diving and opihi picking should be sufficient. I have been to Niihau and I think that there is more than enough opihi to support the people of Nii hau and Kauai for years. The weather conditions keeps Niihau a very gaurded are.

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**cullen2**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 28, 2014 3:47 PM  
**To:** omhtestimony  
**Cc:** mitchel@navatekltd.com  
**Subject:** Submitted testimony for HB1686 on Jan 29, 2014 08:45AM

**Follow Up Flag:** Follow up  
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**HB1686**

Submitted on: 1/28/2014

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mitchel Kagawa	Individual	Oppose	No

Comments: I Strongly oppose this bill! These waters are state waters and all residents of Hawaii should have the same rights to it's resources. Residents of one island can not claim sole right to the resources from that island. If you intend to pass this legislation then I would also ask that you pass legislation stating that; only residents of Oahu shall be able to surf the waves at Pipeline, only residents of the Big Island are able to visit Hawaii Volcanoes National Park, and only residents of Kauai are able to drink water that rains down on Mt. Waialeale! This legislation is discriminatory and makes NO sense! Kill this bill and kill HB1686!

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**cullen2**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 28, 2014 8:24 PM  
**To:** omhtestimony  
**Cc:** kssakuda@yahoo.com  
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**HB1686**

Submitted on: 1/28/2014

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Sakuda	Individual	Oppose	Yes

Comments: The Robinson Family already owes millions in unpaid real estate taxes. this is driven by the Robinson Family and NOT on behalf of the 2 or 3 dozen people who live on Niihau. Any statement by a person or a family member living on Robinson Land causes the Robinson family to revoke Plantation Access including the subsidised housing that the Robinson Plantation provides. I FULLY oppose this as this will close off too much area to Kauai's Fishing population including many of which who are of Hawaiian Ancestry as well. This bill is like saying even if you are Hawaiian you are not allowed to fish Niihau waters. Lets be honest how many poeple really live on Niihau? how many are active enough to fish? Do you need the entire island of 26 miles out to 2 miles closed-off to the rest of Hawaii???

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**cullen2**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 29, 2014 1:48 AM  
**To:** omhtestimony  
**Cc:** kaheaf@gmail.com  
**Subject:** Submitted testimony for HB1686 on Jan 29, 2014 08:45AM

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**HB1686**

Submitted on: 1/29/2014

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kahea	Individual	Support	Yes

Comments: Aloha hou mai no, I am in support of the intent of this bill to regulate the harvesting of opihi. I am humbly requesting amendments to the following: 1) Section 2b, line item 1: I am requesting this section to be amended as follows, "Confiscation of all vessels and equipment used in the illegal harvesting of opihi as well as a suspension of captain's license." 2) Section 2b, line item 2: I am requesting that this section includes the above (Section 2b, line 1) and captain's license revoked 3) Section 2b, line item 3: Same as above (Section 2b, line 2) and community service. 4) Section 2c: I am requesting that this section reads as follows, "This section shall not apply to any resident of Niihau or guest of resident in exercising native Hawaiian gathering rights and traditional practices." Thank you very much for considering my request for amendments.

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**cullen2**

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**To:** omhtestimony  
**Cc:** mdelacrz@hawaiiantel.net  
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**HB1686**

Submitted on: 1/26/2014

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tadashi Muratake jr	Individual	Oppose	No

Comments: Aloha, my name is Tadashi Muratake, and I oppose this Bill. Traditionally the areas used for picking Opihi are not accessible to the residents of Niihau. Opihi picking is usually done on the east side of the island, the village is on the west side. There are no roads to these areas, the coastline is steep sheer cliffs reassembling the cliffs of the Na Pali on Kauai. Since they claim to not have boats they cannot access this area. The areas anywhere near the village should definitely be protected and reserved for the residents of Niihau. But banning all Opihi picking to all non residents around the entire island is wrong. Trying to protect the rights of one group of Hawaiians by stepping on the rights of other Hawaiians is no the answer. Mahalo, and Aloha.

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Testimony of Leslie Kuloloio

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

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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,

Les Kuloloio, Moku O Kanaloa  
Phone: 808-281-7652  
Email: pokaiuli@yahoo.com

**Testimony of Winnie Basques**

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

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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,

Winnie Basques, Nana'I Kaula (Lana'i)  
Phone: 808-215-1101



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

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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,

Respectfully yours,

Kamalu Poepoe, Moloka'i Pule O'o  
Phone: 808-646-0397  
Email: karenpoepoe@yahoo.com

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. 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,

Piilani Kaawaloa, Moku O Keawe  
Phone: 808-896-4172  
Email: punatita7@yahoo.com

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

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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,

Rocky Kaluhiwa, Moku O Kakuhihewa  
Phone: 808-286-7955  
Email: rockyfromheeia@aol.com

# Testimony of Bruce and Leiana Robinson

**LATE**

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 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 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 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 that 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 a strict 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 1686 with the following amendments:

Section 2 (a) line 8: strike ~~person~~ and insert **non-resident of Niihau**

Section 2 (b) relating to fines: strike the amounts listed in the bill and insert the new amount listed.

- (1) ~~\$100~~ **\$2000** for a first offense;
- (2) ~~\$200~~ **\$3000** for a second offense;
- (3) ~~\$500~~ **\$5000** for a third or subsequent offense.

Justification: The penalty as stated does not present enough of a threat to discourage others from breaking the law. Current prices for cleaned opihi can run anywhere from \$300 to \$700 a gallon. An opihi picker can harvest up to at least one 85 pound bag in one trip – an equivalent of about 10 gallons – making a net income of \$5000. The fines should start at a minimum of \$2000 and increase in proportionate increments for subsequent offenses. Further, all fines should be rendered to DLNR, but all opihi picked illegally must be confiscated and returned to Niihau residents.

Section 2 (c) line 16: Add **“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”**.

HB1686

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Gingerlynn Kenii Kanakole

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