

# SB2124

Measure Title: RELATING TO OPIHI.

Report Title: Conservation and Resources; Resource Management; Opihi

Description: Establishes a moratorium on the harvesting of opihi on Oahu until July 1, 2019. Establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and traditional rights.

Companion: [HB1707](#)

Package: None

Current Referral: WTL/HWN, WAM

Introducer(s): HEE, CHUN OAKLAND, GABBARD, GALUTERIA, KAHELE, KIDANI, SOLOMON, Nishihara, Shimabukuro, L. Thielen

<a href="#">Sort by Date</a>		Status Text
1/14/2014	S	Pending Introduction.
1/15/2014	S	Introduced.
1/15/2014	S	Passed First Reading.
1/16/2014	S	Referred to WTL/HWN, WAM.
1/29/2014	S	The committee(s) on WTL/HWN has scheduled a public hearing on 02-03-14 1:15PM in conference room 225.

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 Senate Committees on  
WATER AND LAND  
and  
HAWAIIAN AFFAIRS**

**February 3, 2014, Monday  
1:15 AM  
State Capitol, Conference Room 225**

**In consideration of  
SENATE BILL 2124  
RELATING TO OPIHI**

Senate Bill 2124 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), prohibit the taking of opihi below the waterline, 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, native practitioners, Aha Moku, and other stakeholders as we move forward.

**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  
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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**Testimony of Leimana DaMate  
Aha Moku Advisory Committee**

Before the Senate Committees on  
Water and Land  
And  
Hawaiian Affairs

Monday, February 3, 2014  
1:15 P.M.  
State Capitol, Conference Room 225

**In Support of  
H.B. 2124 with Amendments**

**RELATING TO OPIHI**

S.B. 2124 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.

We are in strong support of this bill as it directly impacts the traditional practices of our lawai'a and subsistence of our Hawaiian people. A staple of Hawaiians, the opihi has been part of their culture since the beginning of time. It is only in modern times that others have viewed opihi as a delicacy and over-harvested it to the point where our kupuna no longer have easy access to this important part of their diet.

The Aha Moku Advisory Committee (AMAC) is working on a Konohiki Management Plan that will address the concerns in this bill. However, this plan is taking into consideration the 43 moku of the state, the distinct geographic areas where opihi were once plentiful and the process of kapu and seasonal closures. A one-size fits all konohiki plan will not work as all islands, moku and geographic areas are different, as well as traditional methods of konohiki. Until the time comes when we, Hawaiian communities, with DLNR, stakeholders and others can solidify a konohiki system that can be understood and accepted by the general public, we support S.B. 2124 because we understand and agree that if drastic measures are not taken now, we will no longer have the opihi we treasure so much.

We ask that the following amendment be considered. Add a new section under §188-A (g) to read **“The residents who live on Niihau shall govern the taking, harvesting, or possessing of opihi on the islands of Niihau, including the islands of Lehua and Kaula.”**

We believe this amendment is necessary because there is still a bountiful amount of opihi on Niihau simply because the residents of the island do have a konohiki and practice sustainability

of their resources religiously. However, today, outsiders consistently raid and plunder the opihi from the island for commercial purposes. If left in the hands of the residents of Niihau, the opihi there will continue to flourish and feed the island. As well as helping to restore opihi on all islands, this bill must also protect the only island where opihi is still plentiful.

Thank you for the opportunity to testify. We believe that it is imperative that the opihi be protected and saved from extinction which is a very real possibility.

We strongly support this bill and urge its passage.

Respectfully yours,

Leimana DaMate, Executive Director  
Aha Moku Advisory Committee  
Ph: 808-587-1498



**SB2124**

**RELATING TO OPIHI**

Senate Committee on Water and Land  
Senate Committee on Hawaiian Affairs

February 3, 2014

1:15 p.m.

Room 225

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** SB2124, 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.<sup>1</sup> 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:

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<sup>1</sup> 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, OHA urges the committees to **PASS WITH AMENDMENTS** SB2124.  
Mahalo for the opportunity to testify on this important matter.

Testimony of The Nature Conservancy of Hawai'i  
Supporting S.B. 2124 Relating to 'Opihi  
Senate Committee on Water & Land  
Senate Committee on Hawaiian Affairs  
Monday, February 3, 2014, 1:15PM, Room 225

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*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.*

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The Nature Conservancy supports S.B. 2124. 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.

BOARD OF TRUSTEES

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## **Association of Hawaiian Civic Clubs**

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

Testimony of President Soulee Stroud

SENATE COMMITTEE ON WATER AND LAND  
SENATE COMMITTEE ON HAWAIIAN AFFAIRS

### **SENATE BILL 2124 RELATING TO OPIHI**

Monday, February 3, 2014; 1:15pm; Room 225

Aloha Madam Chair Solomon of the Committee on Water and Land, Madam Chair Shimabukuro of the Committee on Hawaiian Affairs. Aloha also to the members of both committees. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs(AHCC) here to testify in support of this bill to place restrictions on opihi harvesting.

It's unfortunate that the rest of the world has discovered what a delicacy the opihi is and, in doing so, has cultivated a taste for the little limpet. It is this popularity, and the exorbitant prices of opihi, that make it necessary to restrict opihi harvesting.

The AHCC supports this bill that amends law and adds new sections to set a moratorium on opihi harvesting on Oahu until 2019 and restricts statewide harvesting except under certain conditions. It is our hope that with these restrictions our children will also have the opportunity to learn the taste and enjoyment of opihi.

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

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



where both bill 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 ( UNKOS JOHN KAGAWA, GARY ITO, EDWARD "KOOKIE" RABELAS) (THE LIST GOES ON) 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, THROW NET 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 MARKET, KAUMAKANI THRIFTY MART, 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, AIR STIP 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 KAUAIANS FROM RESIDENTS OF ALL THE OTHER ISLANDS FROM UTILIZING OUR RESOURCES, AS WELL AS ALL THE ISLANDS FROM EACH OTHER. GIVEN MORE NOTICE, WE WOULD HAVE A BETTER TURN OUT IN RESPONSE TO THIS ISSUE. WE ALSO ATTENDED HOUSE HEARING ON WEDNESDAY THE 29TH WHERE BOTH BILLS WERE DEFERRED. THE FEW KAUAI FISHERMEN THAT GO ACROSS TO NI'HAU ARE 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 IS JUST MY OPINION. AS MENTIONED AT THE HR HEARING ON 1/29/14, MORE STUDIES NEED TO BE MADE TO FIND OUT THE FACTS OF FISH POPULATION IN THE WATERS SURROUNDING THE ISLAND OF NI'HAU BEFORE MAKING SUCH A DRASTIC DECISION OF COMPLETE SHUT DOWN. A THOROUGH AUDIT OF EVERYTHING THAT TAKES PLACE ON NI'HAU SHOULD BE DONE. ALSO THE STATE THAT HAS SEPARATED THE STATE LANDS INTO DISTRICTS PUTTING NI'HAU IN DISTRICT 16 (MODERN DAY AHA PUA'A) WHICH INCLUDES NI'HAU, LEHUA, KOLOA AND WAIMEA. 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

Thomas T. Shirai Jr  
P. O. Box 601  
Waialua, HI 96791  
Email: [Kawaihapai@hawaii.rr.com](mailto:Kawaihapai@hawaii.rr.com)

January 31, 2014

Committee on Water & Land  
Senator Malama Solomon, Chair  
Senator Brickwood Galuteria, Vice Chair

Committee on Hawaiian Affairs  
Senator Malie Shimabukuro, Chair  
Senator Clayton Hee, Vice Chair

Notice of Hearing  
Monday, February 3, 2014  
1:15 PM  
Conference Room 225  
State Capitol  
415 South Beretania Street

Testimony Supporting SB 2124 (Relating to Opihi)

Aloha Chair's Solomon, Shimabukuro 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 SB 2124 (Relating to Opihi) because it's preservation of subsistence resources for future generations because of the influx of outsiders encroaching upon Oahu Communities throughout the years. The Ahupua'a of Ka'ena here Northwest Coastline of Waialua (Mokule'ia, Kikahi, Auku'u, Kawaihapai, Kealia & Ka'ena) have experienced this. The people of these places protected their resources from outsiders especially during the plantation era when immigrants brought their lack of conservation with them.

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.

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. It's hope that SB 2124 will finally send a clear message to all.

Mahalo for the opportunity to send testimony supporting SB 2124 (Relating to Opihi).

Thomas T Shirai Jr  
Mokule'ia, Waialua

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WTLTestimony](#)  
**Cc:** [iamaki66@gmail.com](mailto:iamaki66@gmail.com)  
**Subject:** \*Submitted testimony for SB2124 on Feb 3, 2014 13:15PM\*  
**Date:** Thursday, January 30, 2014 8:57:09 AM

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**SB2124**

Submitted on: 1/30/2014

Testimony for WTL/HWN on Feb 3, 2014 13:15PM in Conference Room 225

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

Comments:

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 Guy Tamashiro  
Vice President, Tamashiro Market, Inc.

SB2124  
Relating to Opihi  
January 31, 2014

Hi! I'm Guy Tamashiro, Vice President of Tamashiro Market.

I'm testifying against this bill, SB2124, "Relating to Opihi".

Opihi is not in short supply and I can get opihi all year round.

I'm here to testify on the premise of SB2124. The first half of the first sentence of the bill states, "*In the past century, there has been a ten-fold decline in the amount of opihi*". I'm pretty sure this came from the report "Commercial Fisheries of the Hawaiian Islands" by John Cobb in 1901. This is how they got their data:

*"The investigations of these subjects of the islands occupied a period of three months, during which all of the larger inhabited islands were visited. A careful perusal of all available official and private documents, newspapers, and publications relating to the islands was made, and oral statements were gathered from the older fishermen...(not scientific data collection).*

What bothers me about the "catch report"...there are many things that don't make sense. Near shore fisheries should be greatly affected by population growth: things like suntan lotion, fertilizers and pesticides that run off into streams which goes to the ocean and affects the nurseries of many reef fish and opihi. The pelagic or open ocean fish are less affected by man.

Back to the Cobb report, "*So far as quantity was concerned, the catch of akule leads, but amama (mullet) was first in value of catch. Other leading species were malolo, ulua, aku, oio, awa, moano, kawakawa, opelu, opihi and ula.*

Examples of bad data:

1. Malolo (flying fish) a pelagic species, Cobb reported 573,082 pounds; the 2009 DLNR catch report was a grand total of 8 pounds.
2. Moano is not a schooling fish and even back then an average of 600 lbs. per day would be very unbelievable. In the last forty years that I've been in this business, I don't ever recall any of my fisherman catching even twenty pounds in one day. This guesstimate probably included other goatfish species like weke (which they can easily catch 600 lbs at one pop).

3. The catch ratio between the akule and kawakawa is another example of bad data. They are both very similar in size, habitat and food. Yet the reported ratios between both species went from 2.2 to 1 in the 1901 Cobb report to 81 to 1 in the DLNR 2009 report.

These are three examples of bad data from the Cobb report. The opihī at 154,000 is probably another poor guess. Scientific data is not collected on hearsay, "The premise of this bill, *"In the past century, there has been a tenfold decline in the amount of opihī"*... Should not be based on the Cobb report. Look at the data from the DLNR Annual Commercial Opihi Harvest, we have the numbers from 1948 or look at the included graph. The catch has been up and down, but the trend is stable.

Serious pickers harvest from areas that are abundant because they are self-replenishing due to inaccessibility. They get to the opihī grounds by taking a long hike or rappelling down cliffs or both. They have to contend with nature's own way of conserving resources with high surf, strong winds, bad weather, poor accessibility and bad timing of the tides.

The bag limit of one quart per day is absurd! That is approximately 2 pounds! That's like telling people you can only work for 30 minutes per day. RIDICULOUS!

This bill is also mandating the Division of Aquatic Resources of the Dept of Land and Natural Resources to submit a report on the "effectiveness and enforcement" of this bill. As written, this bill will effectively black market the few pickers that report their catch, so will this be a good excuse for further legislative intervention because the catch report is so small? Is the intent of this bill to stop the legal sale of opihī?

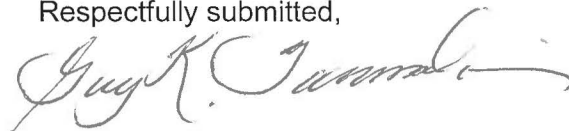
The enforcement is another issue: 1) How can the officers tell if it's caught below the water line? 2) How can they tell if someone is exempted because they are exercising their native rights as permitted by the DLNR.

Even if we don't feel the shortage, we at Tamashiro Market are willing to accept reasonable and logical resource management regulations based on scientific data because we want to eat and sell opihī for many generations.

Why don't we have a three month closure for recreational and commercial pickers at the time the opihī spawns the most. Keep it simple and reasonable, 25% less is significant. If any law cut anyone's salary by 25%, that would be huge!

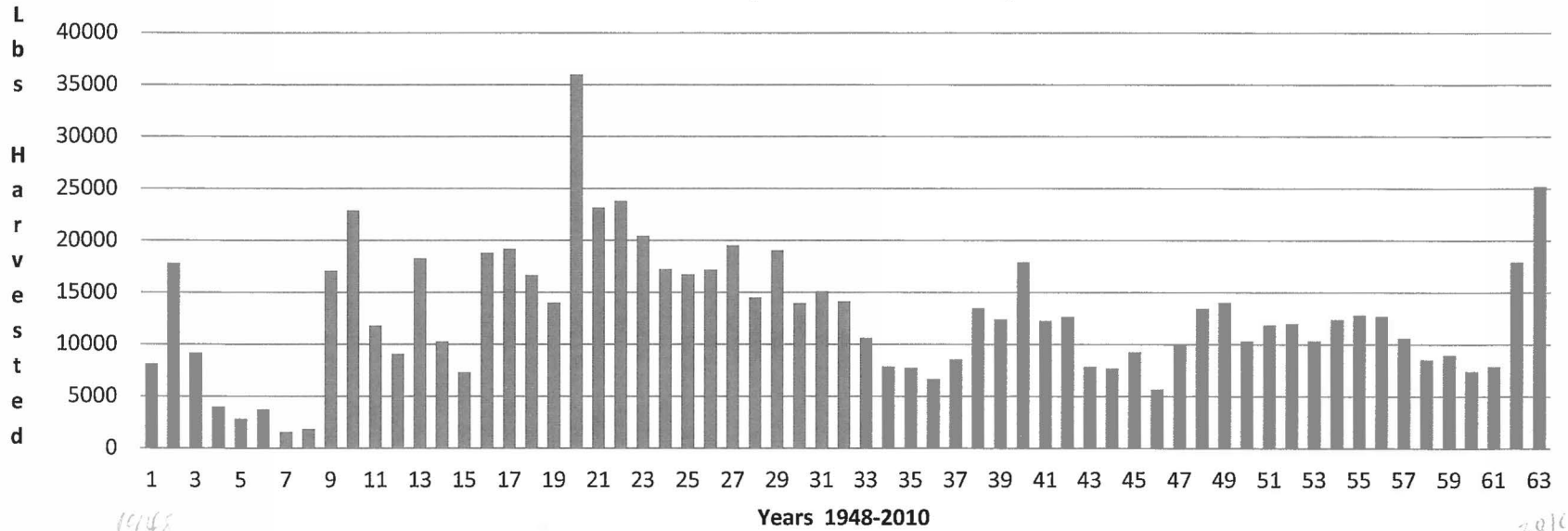
I strongly urge you to modify this bill to make it fair, sensible and reasonable.

Respectfully submitted,



Guy Tamashiro  
Vice President

## Annual Commercial Opihi Harvest by Fiscal Year



1948

2010



## Annual Commercial Opihi Harvest by Fiscal Year

Fiscal year	No. licenses	Lbs. harvested	Lbs. sold	Nominal Value	Adjusted Value	Honolulu CPI <sup>1</sup>	Fiscal year	No. licenses	Lbs. harvested	Lbs. sold	Nominal Value	Adjusted Value	Honolulu CPI <sup>1</sup>
1948	27	8,141	7,992	\$4,158	\$38,005	25.7	1980	49	10,617	9,696	\$20,730	\$58,668	83.0
1949	56	17,842	17,581	\$7,535	\$70,241	25.2	1981	36	7,889	7,281	\$16,281	\$41,705	91.7
1950	18	9,191	8,974	\$3,899	\$37,693	24.3	1982	36	7,725	6,937	\$17,492	\$42,272	97.2
1951	11	3,999	3,991	\$1,376	\$12,579	25.7	1983	38	6,675	6,120	\$14,908	\$35,266	99.3
1952	7	2,835	2,571	\$1,080	\$9,572	26.5	1984	40	8,548	7,638	\$18,301	\$41,536	103.5
1953	7	3,769	3,594	\$1,449	\$12,746	26.7	1985	36	13,512	12,730	\$30,548	\$67,188	106.8
1954	5	1,567	1,567	\$587	\$5,122	26.9	1986	64	12,426	11,796	\$31,810	\$68,301	109.4
1955	11	1,831	1,830	\$732	\$6,301	27.3	1987	91	17,949	15,292	\$40,769	\$83,348	114.9
1956	24	17,085	17,055	\$2,822	\$23,932	27.7	1988	71	12,285	11,590	\$30,004	\$57,912	121.7
1957	21	22,902	22,758	\$3,762	\$30,898	28.6	1989	68	12,675	10,441	\$27,923	\$50,964	128.7
1958	15	11,794	11,794	\$4,266	\$33,406	30.0	1990	56	7,848	7,035	\$21,002	\$35,722	138.1
1959	8	9,092	9,092	\$3,613	\$27,827	30.5	1991	58	7,680	6,160	\$20,209	\$32,075	148.0
1960	11	18,274	18,249	\$7,722	\$57,949	31.3	1992	55	9,271	7,315	\$25,748	\$38,996	155.1
1961	7	10,293	10,283	\$4,266	\$31,217	32.1	1993	39	5,672	4,741	\$18,915	\$27,753	160.1
1962	10	7,297	6,997	\$3,629	\$25,987	32.8	1994	41	9,898	8,055	\$35,552	\$50,767	164.5
1963	17	18,800	17,862	\$7,933	\$55,624	33.5	1995	50	13,462	11,947	\$56,129	\$78,433	168.1
1964	18	19,211	19,072	\$8,862	\$61,769	33.7	1996	52	14,012	11,785	\$42,448	\$58,412	170.7
1965	14	16,651	16,487	\$7,973	\$54,444	34.4	1997	46	10,326	9,011	\$33,936	\$46,374	171.9
1966	13	13,989	13,907	\$6,819	\$45,375	35.3	1998	55	11,886	10,308	\$43,249	\$59,238	171.5
1967	40	36,000	35,788	\$23,126	\$149,653	36.3	1999	43	12,028	10,710	\$48,787	\$66,129	173.3
1968	26	23,185	22,936	\$15,606	\$97,235	37.7	2000	35	10,338	9,134	\$41,936	\$55,875	176.3
1969	36	23,818	23,752	\$18,345	\$109,374	39.4	2001	31	12,385	11,684	\$58,927	\$77,589	178.4
1970	41	20,446	20,196	\$18,623	\$105,409	41.5	2002*	28	12,847	11,745	\$56,384	\$73,459	180.3
1971	46	17,229	17,206	\$17,084	\$92,893	43.2	2003*	26	12,705	12,175	\$63,034	\$80,253	184.5
1972	44	16,739	15,677	\$16,071	\$84,642	44.6	2004*	21	10,637	8,983	\$53,164	\$65,520	190.6
1973	46	17,169	17,154	\$18,418	\$92,841	46.6	2005*	11	8,522	5,565	\$46,784	\$55,559	197.8
1974	51	19,558	19,330	\$23,424	\$106,843	51.5	2006*	17	8,957	4,171	\$44,616	\$50,049	209.4
1975	46	14,512	14,224	\$20,207	\$84,309	56.3	2007*	19	7,435	6,220	\$64,914	\$69,468	219.5
1976	52	19,052	17,957	\$29,852	\$118,650	59.1	2008*	27	7,867	6,271	\$56,346	\$57,823	228.9
1977	60	13,969	13,067	\$27,727	\$104,879	62.1	2009*	22	17,956	9,661	\$69,557	\$71,039	230.0
1978	54	15,119	13,590	\$25,815	\$90,643	66.9	2010*	33	25,241	10,821	\$66,869	\$66,869	234.9
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.

<sup>1</sup> Consumer Price Index for all urban consumers for Honolulu, *The State of Hawaii Data Book*, Dept. Business Economic Development and Tourism

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

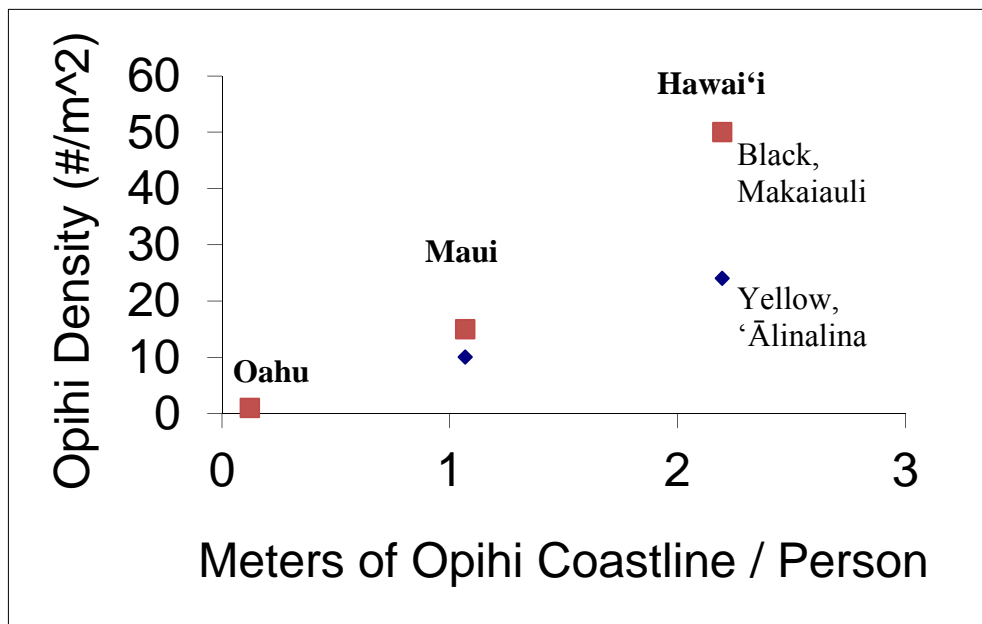
6/1/2011

January 31, 2014

Dear Senate Committee on Water & Land & Senate Committee on Hawaiian Affairs,

As a marine scientist who has studied Hawaiian ‘Opihi for the past 15 years, I enthusiastically support SB2124. It is my professional assessment that SB2124 establishes guidelines that are effective and sound.

‘Opihi is a delicacy that is part of Hawaii’s culture, and as such, there is universal agreement that the resource must be sustained for future generations to enjoy. I have visited almost every coastline that harbors ‘Opihi in the Hawaiian Islands. In so doing, I have had the opportunity to speak with numerous ‘Opihi harvesters and citizens of Hawai‘i regarding ‘Opihi, cultural harvesting practices, and general ideas on what can be done to sustainably harvest ‘Opihi.



Humans are having a clear impact on the number of ‘opihī. The more people there are on an island per meter (a meter is slightly longer than 3 feet) of coastline harboring ‘opihī, the less ‘opihī there are. This figure is based upon surveys of ‘opihī in the Hawaiian archipelago, and the Big Island of Hawai‘i is most similar to the Northwestern Hawaiian Islands.

There is no doubt that ‘Opihi populations have declined in Hawai‘i over the past 113 years, and continue to decline presently. This is borne out in the exponentially increasing price of ‘Opihi, the severely low population density of ‘Opihi on the shores of O‘ahu where the majority of the state’s residents reside (1/50<sup>th</sup> of other islands), and the 10x decline of the commercial harvest

from 1900 to today. SB2124, proposes to address the decline of ‘Opihi populations by delineating spatial and temporal limitations on the harvest of ‘Opihi in Hawaiian waters. The proposed limitations on ‘Opihi harvest are driven by science, management concerns, existing cultural practices, enforceability and common sense. It is our expert scientific opinion that SR96 will result in (1) increased population size for all three species, (2) an increase in the number of ‘Opihi that are sustainably harvested, and (3) at the very least a decrease in the rate at which ‘Opihi prices are rising.

I am sensitive to the concerns of the citizens of Kaua‘i, Moloka‘i, Maui, Lana‘i, and the Big Island of Hawai‘i that O‘ahu is draining neighbor island ‘Opihi stocks. Neighbor islands can expect that a new direction in ‘Opihi management outlined in SB2124 will lead to O‘ahu producing more of its own ‘Opihi. Neighbor islands can rest assured that closing O‘ahu to ‘Opihi harvest will not create a run on neighbor island ‘Opihi because O‘ahu’s shores currently yield very few ‘Opihi and make no significant contribution to the commercial harvest of ‘Opihi. The truth is, O‘ahu has been relying on neighbor island ‘Opihi for decades. In the future, a revitalized O‘ahu ‘Opihi population will help to ensure that fewer neighbor island ‘Opihi end up in Honolulu markets and at lu‘aus on O‘ahu.

Here I review the key components of SB2124

### **Section 1. Support**

This section is factually correct, and emphasizes that the goal is to rehabilitate both ‘Opihi populations and the fishery. The most important point is that breeding adults must be protected to ensure that ‘Opihi populations will replenish themselves. This is a key issue in the science and practice of fisheries management.

### **Section 2a. Support**

Section 2a is focused on protecting breeding adult ‘Opihi by establishing Pu‘uhonua, places of refuge. This is a valid method for managing the ‘Opihi fishery as evidenced by numerous peer reviewed manuscripts and the numerous Pu‘uhonua already established by the State of Hawai‘i’s DLNR Division of Aquatic Resources. Of particular note, the Hawai‘i Division of Aquatic Resources’ aquarium fish protected areas on the Kona coast of Hawai‘i have experienced large increases in targeted fish populations (see attached peer reviewed publication). In the Pu‘uhonua, ‘Opihi are allowed to breed throughout their entire lives. Adult ‘Opihi tend to stay in the same area, returning to their home scar periodically throughout the day, and are extremely unlikely to leave the Pu‘uhonua, where they might be harvested. ‘Opihi have free swimming larvae (earliest life stage) that can disperse from the Pu‘uhonua into areas where harvest is legal. There probably need to be more Pu‘uhonua for ‘Opihi, but the proposed locations (man-made shorelines, offshore islets, and State Managed Areas) are a good start and can be used to evaluate the effectiveness of this strategy. If proven effective, an adequate number of Pu‘uhonua can be established to revitalize ‘Opihi populations across the State. I cannot stress enough that this management strategy is PERFECT for ‘Opihi because the adults stay in one place, the larvae disperse into the surrounding areas, and ‘Opihi typically grow to legal size within 7 months. It is a proven strategy that has been and is currently being successfully implemented by Hawai‘i DLNR’s DAR and management agencies around the world.

### **Section 2b. Support**

Suggested revision: only ‘Opihi kō‘ele resides below the water line, the section could state this. Section 2b is focused on protecting the breeding adult ‘Opihi kō‘ele (*Cellana talcosa*) by prohibiting their harvest below the low tide line, and is based on traditional Hawaiian practices. ‘Opihi kō‘ele exists both above and below the water line. By making the subtidal environment a Pu‘uhonua, a portion of the ‘Opihi kō‘ele population is allowed to grow old and breed. Some of the larvae of these subtidal “breeders” will settle above the water line, providing a stable source of ‘Opihi kō‘ele to shorelines. It is likely that this single measure will allow ‘Opihi kō‘ele to recover and remain a permanently sustainable fishery species. The most promising aspect of this provision is that it is highly likely to be self-enforced. In the past, OHA specifically requested that Native Hawaiians NOT be exempt from this provision. It is currently self-enforced at the community level in several Hawaiian communities. Given the consistently low level of funding for the enforcement of fishery rules, especially with the current recession, it is more important than ever to establish rules that don’t require constant enforcement because those that do will surely fail to have an impact on our fishery resources.

#### **Section 2d.**

Section 2d restricts the harvesting of all ‘Opihi based on the recommendations of ourselves and DAR. It is possible that this will reduce the harvest pressure on ‘Opihi because there will be fewer days upon which ‘Opihi can be harvested. Alternatively, closed seasons could initiate a run on ‘Opihi when the season opens. It has been proven and published that this happens with fish in the Waikīki-Natatorium revolving closed area. We are amassing a fairly large amount of data on ‘Opihi spawning times and can work with DAR to decide upon the best dates for closure if instructed to do so.

#### **Sections f & g. Support**

We recognize the rights of Native Hawaiians and the KIRC operating on behalf of Native Hawaiians to manage and utilize their resources.

#### **Section 2 188-B a. Support**

188-Ba states that ‘Opihi harvesting will be temporarily stopped on O‘ahu for 4 years. This section is enforceable - if you are seen picking ‘Opihi on O‘ahu, you are in violation. This section adequately reflects that ‘Opihi populations have been decimated on O‘ahu, relative to the other Hawaiian Islands (50 fold decrease relative to other Hawaiian Islands despite adequate habitat) and ‘opihī larvae do not readily disperse *en mass* from other Hawaiian islands to O‘ahu. Therefore, O‘ahu requires more drastic actions to rehabilitate its ‘Opihi populations. It is very telling that fish markets have not expressed much opposition to the stoppage of ‘Opihi harvest on O‘ahu, indicating that ‘Opihi sold in Honolulu markets is not harvested on O‘ahu. O‘ahu has the highest ratio of people to suitable ‘Opihi habitat, and it is likely that what has happened is that harvesting pressure is so intense that most ‘Opihi don’t get a chance to reproduce on O‘ahu. Offshore islets with dense populations of ‘Opihi, such as Manana off the coast of Waimanalo where ‘Opihi harvesting is illegal, indicate that if harvesting is stopped, ‘Opihi populations can recover. ‘Opihi grow very quickly, reaching reproductive age in as few as six or seven months. ‘Opihi also have swimming larvae that disperse well within islands. Stopping the harvest of ‘Opihi on O‘ahu should allow some level of recovery and replenishment. The reopening of the ‘Opihi fishery on O‘ahu should be accompanied by aggressive harvest regulations, implementing more Pu‘uhonua than proposed in Section 2a.

Thank you for the opportunity to offer comment on this bill.

Sincerely,

A handwritten signature in black ink that reads "Chris. Bird". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

Christopher E. Bird, Ph.D  
Assistant Professor, Texas A&M University-Corpus Christi  
Adjunct Faculty, Hawaii Institute of Marine Biology

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**SB2124**

Submitted on: 1/31/2014

Testimony for WTL/HWN on Feb 3, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Annette Kuuipolani Kanahele Wong	Individual	Support	No

Comments: I was born, raised, and educated on the island of Niihau. Both of my parents are from Niihau. The ocean has always been the source of food for Niihau residents. There are no stores on the island. The Niihau diet is dependent on fish from the ocean. Without this resource, the future survival of the Niihau people is skeptical.

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**SB2124**

Submitted on: 2/2/2014

Testimony for WTL/HWN on Feb 3, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Borgnino	Individual	Support	No

Comments:

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## TESTIMONY/COMMENT

James M. (Jiro) Yuda

January 31, 2014

### **S.B. 2124: RELATING TO OPIHI**

Chair Solomon, Chair Shimabukuro, Members of the Committee on Water and Land, and Members of the Committee on Hawaiian Affairs,

As a small kid, my family spent many weekend afternoons picking pipipi, or tsubu, at beaches in Keaukaha in Hilo. Pipipi live on the black rock right above the whitewater, and while picking them (with your bare hands), we would always come across a few opihi as well. As I got older, I focused less on pipipi and more on opihi. At 38 years old, I have canvassed plenty of black and pink rock, gone through many pairs of tabi, and consider opihi-picking to be an art, a science, a relationship with the ocean, and something that by its very nature commands tremendous respect for life—human, limpet, and everything in between.

When you're out there on the rock, opihi knife in hand and spray from the whitewater in your nose, the only thing that keeps you from getting swept out and drowning, or from getting slammed onto the rock and splitting open your head, is the respect and awareness that you yourself bring to the ocean. The only thing that keeps you from taking opihi that are too small, or from completely stripping the rock, are the very same respect and awareness.

I applaud the sponsors of these bills for their genuine concern for the futures of opihi and of baby lu'au. I consider the restrictions on the amount of opihi one can pick in a day to be too strict; at the same time, I doubt that this proposed legislation could ever be effectively enforced. I would encourage all beachgoers, and especially fishermen and watermen, to bring more respect and awareness to the ocean. If you could pass a bill that would accomplish that, you could solve all kinds of problems.

I am convinced that signs that say "Do Not Litter" have absolutely no effect: Those that do not litter do not need a sign to tell them what not to do; those that do litter simply don't care. The trick, therefore, is not necessarily getting people not to litter, but actually getting people to care.

Though I believe that the need for government regulation (of everything) is unavoidable, I also believe that self-regulation (caring) is much more effective. I think that dialogue promotes understanding, which in turn leads to caring. What Uncle teaches Nephew is going to have more of an effect than if Nephew reads S.B. 2124. I would encourage the state to go out and have more dialogues with Uncle.

Thank You,  
Jiro Yuda



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**SB2124**

Submitted on: 1/31/2014

Testimony for WTL/HWN on Feb 3, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Juanita Kawamoto Brown	Individual	Support	No

Comments: For generations my Maui Ohana have been konohiki for fishing kapu and practices in Kihei. The kapu to protect our sustainability for our community is still respected and practiced by all our Ohana on every island, Moku and ahupua'a . The moratorium is imperative to main the Eco system balance and the Pono well being of those who are the people of the State of Hawaii. The mana'o prepared by those who created this bill shows their respect and concern to keep this precious resource available for all of us and those in the future, we must persevere in this endeavor . Please super this bill.

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**SB2124**

Submitted on: 1/31/2014

Testimony for WTL/HWN on Feb 3, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kapela Wong	Individual	Support	No

Comments: I believe that establishing a ban on the harvesting of Opihi statewide with the exception of traditional rights will ensure the survival of such species for many years to come. If enacted, this ban will allow future generations the opportunity to enjoy and appreciate opihis. We cannot wait until the last opihi is picked to make decisions. The time to take actions was yesterday.

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**SB2124**

Submitted on: 1/31/2014

Testimony for WTL/HWN on Feb 3, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Mika Kahuwailani Wong	Individual	Support	No

Comments: My mother was born and raised on the island of Niihau. Her identity and way of life is shaped by the culture present on Niihau. Fishing is the primary source of food on which the the subsistence life style on Niihau is based. Without exclusive access to the ocean and it's resources surrounding Niihau, the Niihau people and their way of life will be lost. The people of Niihau deserve the right to practice their culture without any reservation of fear that the resources that keep them and kept their ancestors alive begin to disappear.

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**SB2124**

Submitted on: 1/31/2014

Testimony for WTL/HWN on Feb 3, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kurt Iona Kaihilani Wong	Individual	Support	No

Comments: My name is Kurt Iona Kaihilani Wong, my family has been living on Niihau for many generations. The ocean is an important resource for the families that live and call Niihau their home. I have seen the effects of over-fishing on the other islands and believe that if outside people continue to over-fish there will be nothing left for the Niihau people as well as the future generations of Hawaiians. The Niihau people are dependent on the ocean and have taken only what is needed and leaving the rest for future needs. Niihau is one of the last places where many of our native ocean life thrive and if we do not take a stand now to protect the delicate ocean life, there will be nothing left in the near future.

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Submitted on: 1/31/2014

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lawrence Keola Wong	Individual	Support	No

Comments: My wife was born, raised, and educated on Niihau. My mother-in-law and brother-in-law continue to reside on the island with their families. I have been to Niihau more-than 20 times, at times staying there for three months at a time; therefore, I have witnessed the Niihau community dependence on the ocean for their survival.

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**SB2124**

Submitted on: 2/1/2014

Testimony for WTL/HWN on Feb 3, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Davlantes	Individual	Support	No

Comments:

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**SB2124**

Submitted on: 2/2/2014

Testimony for WTL/HWN on Feb 3, 2014 13:15PM in Conference Room 225

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ryan Bell	Individual	Support	No

Comments:

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This is regarding creating boundries around Niihau. Do we have any scientific evedience of over fishing and over harvesting of Opihi on Niihau? I have been to Niihau to spearfish and to harvest opihi for home use have not noticed any changes. On my last dive trip to Niihau I was fortunate enough to wittness hundreds of red juvenile uhu's and other marine species swimming around me with no fear of humans and I did not spear any of these fish. A few months back we had a break in the weather and I was able to harvest opihi on the east side of Niihau witch is the largest part of Niihau and noticed no decline of Opihi or other land marine species witch brings me to my point. The weather conditions and the shape of Niihau all plays parts in keeping Niihau a very protected island from over harvesting of marine species. As we all know in Hawaii we are dominated by 10 to 25 mph trade winds that creates rough ocean conditions on our north, east and west shores. In my opinion a one mile boundry out and around Pu'uwai village should enough to support the the 30 to 50 residents of Niihau. If we are going to do scientific reaserch of fish and opihi on and around Niihau I strongly suggest the use of not residents of Niihau but fisherman, and spearfisherman of Kauai, Oahu, Maui, Molokai, Lanai, and the Hawaii to escort the reaserchers.