

STAND. COM. REP. NO.

32

Honolulu, Hawaii

FEB 11 2009

RE: S.B. No. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Water, Land, Agriculture, and Hawaiian Affairs, to which was referred S.B. No. 1 entitled:

"A BILL FOR AN ACT RELATING TO OPIHI,"

begs leave to report as follows:

The purpose of this measure is to rehabilitate the natural populations of all Hawaiian opihi species and establish a new direction for the management of the fishery.

Specifically, this measure:

- (1) Establishes a five-year moratorium on the harvesting of opihi on Oahu; and
- (2) Establishes a ban on taking or harvesting opihi statewide, subject to open and closed seasons and the traditional rights of certain ahupuaa tenants.

Testimony in support of the measure was presented by one state agency, five nongovernmental organizations, and one public citizen. One state agency submitted comments on the measure.

Your Committee finds that breeding adult opihi needs to be protected to ensure opihi populations will replenish themselves. Opihi have free swimming larvae which can disperse from the no take areas into areas where harvest is legal. Oahu requires more



drastic actions to rehabilitate its opihi populations due to overharvesting.

The Department of Land and Natural Resources estimates that it would require two staff per island devoting roughly fifty per cent of their time to the task to meet the proposed opihi species monitoring requirement. The Department of Land and Natural Resources Division of Aquatic Resources recognizes the importance of monitoring opihi species, however, the Division is small and the monitoring requirement may affect the biennium budget.

Your Committee has amended this measure by:

- (1) Replacing the monitoring requirement, with the requirement that the Department of Land and Natural Resources report to the Legislature each year on the general effectiveness of the bans imposed by this measure, and the enforcement thereof;
- (2) Clarifying that native Hawaiian gathering rights do not affect the prohibition of taking opihi from below the waterline; and
- (3) Making technical, nonsubstantive changes for the purposes of clarity and consistency.

Your Committee believes that the amendments made to this measure fulfill the intent of this measure, which is to rehabilitate the Hawaiian opihi populations.

As affirmed by the record of votes of the members of your Committee on Water, Land, Agriculture, and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Water, Land,  
Agriculture, and Hawaiian  
Affairs,



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CLAYTON HEE, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Water, Land, Agriculture and Hawaiian Affairs**  
**WTL**

Bill / Resolution No.:* <b>SBI</b>	Committee Referral: <b>WTL</b>	Date: <b>1/30/09</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
TOKUDA, Jill N. (VC)	✓			
BUNDA, Robert	✓			
FUKUNAGA, Carol	✓			
KOKUBUN, Russell S.	✓			
TAKAMINE, Dwight Y.	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes