

From: [RNVFishing](#)
To: [DLNR.BLNR.Testimony](#); [Chang, Dawn](#); [Statts, Meghan L](#)
Cc: [McCall, Finn D](#)
Subject: [EXTERNAL] Testimony is Strong Support of Agenda Item K. Item 1. BLNR Meeting Date June 13, 2025
Date: Tuesday, June 10, 2025 3:26:07 PM
Attachments: [FIDUCIARY RESPONSIBILITIES OF GOVERNMENT BODIES REGARDING NAVIGABLE WATERS IN THE USA.docx](#)

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. [Conservation District Use Application \(CDUA\) OA-3961 for the Maunalua Bay Boat Launch Ramp Facility Improvements and Maintenance Dredging Project by the Division of Boating and Ocean Recreation Located at Maunalua Bay, Honolulu, Oahu, Tax Map Key No.s \(TMKs\): \(1\) 3-9-007:011, 032, & 034 and seaward](#)

Aloha and Good Morning BLNR Chair and Board Members:

I am Roy N. Morioka previously of 1190-A Iki Place Honolulu, HI 96821 and victim of catastrophic failure of my outdrive system of my vessel transiting the Maunalua Bay Channel that for years have been neglected due to fiduciary failure of the Public Trust Doctrine, navigability, enforcement and decades of failed administrative actions and insufficient legislative actions and funding to address the deficiencies noted.

After striking rubble at the Maunalua Boat ramp and subsequently striking the shoal near channel marker 2, the outdrive unit of my vessel suffered a catastrophic failure exiting the channel and required to be towed back to the ramp. After learning that the unit was irreparable, I was required to purchase a replacement unit for more than \$11,000.00. A call to DOBOR was met with the response that it was an "act of nature" by the administrator and I would not be able to recover my loss that I contended was the State's failure of the Public Trust Doctrine with regard to navigable waters.

I found on Google regarding the State's failed fiduciary and my belief that this request addresses the fiduciary duty entrusted to the State. Copy ATTACHED.

Your action today to approve the DOBOR action is strongly requested as I am aware of several others who have suffered similar rudder, propeller or outdrive failure that could have resulted in severe injury or death because of the vessel power failure especially at a critical point in the channel either exiting or entering as it creates steep surf due to its shallow depth that can cause a vessel to broach or capsize. NOTE: Additionally most Molokai to Oahu races terminate in Maunalua Bay and escort vessels transit this channel annually. Also ocean

rescue operations at China Walls, Spitting Cave, Sandy Beach and Makapuu use this channel.

Thank you in advance for your support and affirmation of this project to resolve this long overdue and resolution of an unsatisfactory condition at Maunalua Bay with impacts to the existing environment addressed..

Respectfully,

Roy N. Morioka

ATTACHMENT

FIDUCIARY RESPONSIBILITIES OF GOVERNMENT BODIES REGARDING NAVIGABLE WATERS IN THE USA

Government bodies in the USA have a fiduciary responsibility to protect navigable waters, acting as trustees for the public's use, based on the public trust doctrine. This responsibility encompasses ensuring these waters remain navigable, protecting water quality for public health and recreation, and safeguarding the natural resources within them.

Elaboration:

- **Public Trust Doctrine:**

This legal principle states that certain natural and cultural resources are held in trust by the government for the public's use and enjoyment. Navigable waters fall under this category, meaning the government has a duty to protect them for the benefit of all citizens.

- **Navigability:**

The government must ensure that these waters remain navigable for transportation and commerce, both for private and public use.

- **Water Quality:**

The Clean Water Act and other environmental laws place a strong emphasis on protecting water quality, ensuring that it remains safe for human consumption, recreation, and aquatic life.

- **Natural Resources:**

The government must protect the resources within navigable waters, including fish, wildlife, and aquatic ecosystems.

- **Examples of Fiduciary Duties:**

This can include regulating activities that may impact water quality, managing water resources sustainably, and enforcing laws to prevent pollution or destruction of the environment.

- **State and Federal Roles:**

Both federal and state governments have roles in protecting navigable waters. The federal government often sets national standards and regulations, while state governments implement and enforce these standards within their territories.

- **Enforcement:**

The government has a duty to take appropriate action to address pollution, illegal activities, or other threats to navigable waters.

- **State's Ownership:**

Under the "equal footing doctrine," states acquired "ownership of and dominion and sovereignty over" navigable waters. This means states have a responsibility to protect and manage these resources for the benefit of their citizens.

- **Constitutional Limitations:**

While states have a significant responsibility, constitutional limitations may exist on the scope of state action regarding water rights and the public trust doctrine.