



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

Hawaii State Aha Moku Response
To the Board of Land and Natural Resources (Land Board)

For the meeting of the Land Board

October 8, 2021
Honolulu, Hawaii

Agenda Item J2: Administrative Enforcement Action Requested for Alleged Violation of Hawaii Administrative Rule Section 13-256-3, Commercial Use Permit or Catamaran Registration Certificate requirements, and Section 13-256-73.1, Kaneohe Bay ocean waters Commercial Use Permits, requested against Thomas P. Bellit for allegedly conducting Commercial Activity without a Commercial Use Permit or prior approval from the Department and loading passengers at the Heeia Kea small boat harbor launch ramp.

Aloha Chairperson Case and Honorable Members of the Land Board,

On behalf of the Aha Moku participants and members of Native Hawaiian generational families connected to the Kaneohe Bay, Ko'olaupoko, we **SUPPORT** the request of the Division of Boating and Ocean Recreation (DOBOR) to accept enforcement action for violations listed above and in their submittal. Further, we support DOBOR's recommendations of administrative fine of one hundred eighty thousand dollars (\$180,000) for illegal commercial use without a permit; administrative fine of one hundred eighty thousand dollars (\$180,000) for illegal use of a launching ramp at He'eia small boat harbor. We ask that Mr. Bellit be prohibited from obtaining any type of use permit from DOBOR, including , but not limited to, mooring permits and CUPs, for ~~twenty-four (24) months~~ **one hundred twenty (120) months (10 years)** from the date of this submittal, pursuant to HAR Section 13-231-1(d) and finally, we ask that Mr. Bellit receive written notice that any future violations of the Department's rules regarding commercial operation shall result in inability to register **any vessel owned by him** for any use within the State.

We represent native Hawaiians and members of the Public Trust who are part of the Aha Moku process, particularly in the Ahupua'a of Mokapu, Kaneohe, He'eia, Kahalu'u, Hakipu'u, Waihe'e, Ka'alaea, Waihole and Waikane – the nine Ahupua'a encompassing Kaneohe Bay. There are twelve Ahupua'a that comprise the Ko'olaupoko Moku. The other three are Waimanalo, Kailua, and Kualoa. Many of the people of these ahupua'a are those with generational knowledge of the natural and cultural resources of the entire windward coast of O'ahu, but particularly Kaneohe Bay. We work with state, county and the Kaneohe Bay Regional Council to protect Kaneohe Bay from overuse and commercial exploitation.

We do not come to this request lightly. In our support of the Kaneohe Bay Master Plan which was developed through extensive public participation in 1992 by the residents of the nine ahupua'a, including native Hawaiian generational families and the Public Trust, we promote the preservation of cultural and traditional practices, as well as educating others on specific spiritual and sacred areas within the Kaneohe Bay.

We cannot condone Mr. Bellits outright disobedience to state administrative laws, as well as the regulations mandated by the Kaneohe Bay Regional Council¹. Further, Mr. Bellits is deeply disrespectful to how the residents of Kaneohe and He'eia revere Ahu O Laka, the sandbar in Kaneohe Bay that has a deep native Hawaiian religious base. We focus on this as Mr. Bellits has focused on illegally bringing tourists to Ahu O Laka for recreational purposes. He is not qualified to speak on the cultural significance of this place.

As a retired military officer, Mr. Bellits should respect the laws of the Hawaii State Constitution. He has shown that he has no respect or consideration for the very state that gave him a home after he retired.

The residents of Ko'olaupoko, especially those of Kaneohe and He'eia follow the state laws and respect the mandates of the Kaneohe Bay Regional Council. They do not appreciate those who purposely, for profit sake, flaunt the very rules that protect the integrity and ecosystem of this special place. Mr. Bellit has been cited numerous times, has had his boats impounded, just pays the fees and does what he wishes. We are grateful that DOBOR continues to protect Kaneohe Bay from illegal activities.

We support DOBOR's recommendation and ask that the Board:

- accept the thirteen (13) administrative violations committed by Mr. Bellits;
- issue the administrative fine of one hundred eighty thousand dollars (\$180,000) for the violation of HAR Section 13-256-3, for illegal commercial use without a permit;
- issue the administrative fine of one hundred eighty thousand dollars (\$180,000) for the violation of HAR Section 13-256-73.1 for illegal use of a launching ramp at He'eia small boat harbor;
- prohibit Mr. Bellit from obtaining any type of use permit from DOBOR, including, but not limited to, mooring permits and CUPs, for **one hundred twenty months (120) months (10 Years)** from the date of this submittal;
- and, give Mr. Bellit written notice that any future violations of the Department's rules regarding commercial operation shall result in the inability to register **any vessel owned by him** for any use within the State.

Respectfully yours,

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¹ Kaneohe Bay Regional Master Plan, 1992 "The displacement of the general public from submerged lands by commercial operations without Conservation District Use permits may constitute unauthorized use of public property. This is particularly acute if commercial recreational operations monopolize specific desirable recreation sites." Pg. 41



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Aloha Chairperson Case and Honorable Members of the Land Board,

I am writing on behalf of my ohana as well as families residing in the Kaneohe, Kahalu'u and Koolaupoko, many of whom are Native Hawaiian families directly connected to Kaneohe Bay and Ko'olaupoko. **We SUPPORT the request of the Division of Boating and Ocean Recreation (DOBOR) to accept enforcement action for violations listed above and in their submittal. Further, we support DOBOR's recommendations of administrative fine of one hundred eighty thousand dollars (\$180,000) for illegal commercial use without a permit; administrative fine of one hundred eighty thousand dollars (\$180,000) for illegal use of a launching ramp at He'eia small boat harbor. We ask that Mr. Bellit be prohibited from obtaining any type of use permit from DOBOR, including , but not limited to, mooring permits and CUPs, for one hundred twenty (120) months (10 years) from the date of this submittal, pursuant to HAR Section 13-231-1(d) and finally, we ask that Mr. Bellit receive written notice that any future violations of the Department's rules regarding commercial operation shall result in inability to register any vessel owned by him for any use within the State.**

As a lifetime resident of Kaneohe and Koolaupoko, I support the Kaneohe Bay Regional Council and it's intentions to protect Kaneohe Bay from overuse and commercial exploitation. When I was a child, I grew up on Kaneohe Bay. Our home was on Lilipuna Road and the ocean was always as important as the lands for us. Over the almost 40 years living here, I have seen an unbelievable amount of changes to not only the environment but adverse effects of newcomers and over use of spaces and wahi pana. I have witnessed large yachts and "party boats" over the last 20 years, and have witnessed with my own eyes people throwing beer bottles into the bay- and have witnessed a severe lack of management and regulation in regards to "illegal new businesses" and misuse of our harbor and Kaneohe bay. People like Thomas Bellit show absolute disregard for the fragile balance and respect that must be taken in to consideration when we talk about "use" or respecting this special place. Honestly if I could encourage any action by the BLNR, it would be to STOP ALLOWING THIS MAN TO CONTINUE TO operate and prevent him from taking advantage of the serious lack of management he has already been dealing with. Consequences should be applied and many of us in this area would prefer people who blatantly disregard rules, show zero respect or care and fail to Malama Kai and malama Aina, no longer be allowed to continue to disrespect or disregard community needs and rules and regulations that ARE ALREADY set in place.

The Kaneohe Bay Master Plan was developed through extensive public participation in 1992 by the residents of the nine ahupua'a, including native Hawaiian generational families and the Public Trust, we promote the preservation of cultural and traditional practices, as well as educating others on specific spiritual and sacred areas within the Kaneohe Bay. Perhaps the State and its entities should revisit this plan and adhere to its guidelines.

Our entire State really is at a critical point in time. If we do not stick to our guidelines and laws and allow people to continue to do as they please against rules and order, then we are only allowing for the complete downfall, entire displacement and worsening the situation for not only residents and Native Hawaiians - but for Hawaii itself. If many malihini had their way - cultural and historical sites and artifacts would mean absolutely nothing. Please understand that in your decisions and regulations, you allow or prohibit future injustices and minimize situations for outsiders to "do whatever they please."

The State cannot condone Mr. Bellits outright disobedience to state administrative laws, as well as the regulations mandated by the Kaneohe Bay Regional Council¹. Further, Mr. Bellits is deeply disrespectful to how the residents of Kaneohe and He'eia revere Ahu O Laka, the sandbar in Kaneohe Bay that has a deep native Hawaiian religious base. We focus on this as Mr. Bellits has focused on illegally bringing tourists to Ahu O Laka for recreational purposes. He is not qualified to speak on the cultural significance of this place.

The residents of Ko'olaupoko, especially those of Kaneohe and He'eia follow the state laws and respect the mandates of the Kaneohe Bay Regional Council. They do not appreciate those who purposely, for profit sake, flaunt the very rules that protect the integrity and ecosystem of this special place. Mr. Bellit has been cited numerous times, has had his boats impounded, just pays the fees and does what he wishes. We are grateful that DOBOR continues to protect Kaneohe Bay from illegal activities.

This man obviously has money, and what is shown in this situation is as long as you have money you can do whatever you like. This is absolutely disgusting and unacceptable. He should not be taking his actions so lightly and feel like he has zero kuleana here in this space. His actions show that he has no sort of ownership of the misdeeds and poor choices he has made. Please understand that this situation is already setting a precedence and is this behavior and disregard is absolutely egregious.

I support DOBOR's recommendation and ask that the Board:

- accept the thirteen (13) administrative violations committed by Mr. Bellits;
- issue the administrative fine of one hundred eighty thousand dollars (\$180,000) for the violation of HAR Section 13-256-3, for illegal commercial use without a permit;
- issue the administrative fine of one hundred eighty thousand dollars (\$180,000) for the violation of HAR Section 13-256-73.1 for illegal use of a launching ramp at He'eia small boat harbor;
- prohibit Mr. Bellit from obtaining any type of use permit from DOBOR, including, but not limited to, mooring permits and CUPs, for AND BE BANNED FROM operating business in the Kaneohe bay, from the date of this submittal;
- and, give Mr. Bellit written notice that any future violations of the Department's rules regarding commercial operation shall result in the inability to register **any vessel owned by him** for any use within the State.

A loyal daughter of Koolaupoko,

Jennifer Kanani Hisae Nakamura

Board Member - Koolaupoko Hawaiian Civic Club, Founding Member - Kaiaulu 'o Kahalu'u

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¹ Kaneohe Bay Regional Master Plan, 1992 "The displacement of the general public from submerged lands by commercial operations without Conservation District Use permits may constitute unauthorized use of public property. This is particularly acute if commercial recreational operations monopolize specific desirable recreation sites." Pg. 41

From: [cedric bertelmann](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item J. Division of Boating and Ocean Recreation Item 2. Administrative Enforcement Action requested for alleged violation of HAR 13-256-3 commercial use permit, against Thomas P. Bellit, for allegedly conducting commercial activity w...
Date: Wednesday, October 6, 2021 2:34:00 PM

Aloha,

I am writing in support of taking Administrative Action against the alleged individual, for such alleged illegal activities. This individual has been seen by myself and many others, continually committing such action.

The illegal commercial activity within Kaneohe Bay is at it's worse. There are numerous boats whom come from other areas of the bay, to load their passengers at Heeia Kea Harbor. There are also many vessels that launch at the harbor, whom take passengers out illegally, for a fee. I have been told by such persons "I'm going to keep on doing it until I'm told to stop". Or "They can't prove that I'm doing anything wrong".

The major problem with this is that it is putting a large number of people within the bay. Kaneohe Bay has a delicate ecosystem. Overcrowding the bay will have irreversible effects.

The passengers that are taken out on these illegal commercial charters, park thier vehicles at Heeia Kea Harbor. There is a limited amount of parking stalls within the harbor. These illegal passengers are taking up the stalls that legal persons should be using. It's especially frustrating to me, as a slip permittee within the harbor, that I can't even park my vehicle near my slip, to access my vessel.

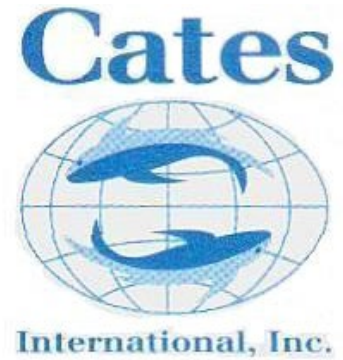
I was born and raised at my home, which overlooks Kaneohe Bay, from the Sandbar to Kualoa. I learned to swim and fish, within Kaneohe Bay. I have seen many changes to the bay, over my 49 years of life. The future of the bay looks bleak. If we don't get control over the users of Kaneohe Bay, we will destroy it. I once enjoyed taking my family to the sandbar, where it seemed like everyone knew each other and shared the same mindset of protecting her beauty. Now, we don't even go there, as the crowd is mostly tourists, whom just want to go there to party, because that is what they see on thier social media platforms. The same persons who once went there to get away from such a thing, have now been persuaded to host the crowd, because they are blinded by the money. I even recently had a run in with one such individual, at Heeia Kea Pier, as he approached me while yelling out that I was harassing him, when all I did, was take a picture, from the parking lot, of his boat being loaded with people carrying thier ABC Store bags.

The persons committing these illegal activities, need to know, that there are consequences for thier actions. This free for all has to stop, and that needs to start now. Please help us protect Kaneohe Bay against these individuals whom care about nothing else, other than making a buck.

Mahalo,
Cedric Bertelmann

Sent from my Verizon, Samsung Galaxy smartphone

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Honolulu HI 96819
Ph. 808 841-4956
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October 6, 2021

Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

Subject: Enforcement actions for violations of Hawaii Administrative Rules
Section 13-256-3, Commercial use permit requirements for Kaneohe Bay.
Tomas P. Bellit conducting illegal commercial use within Kaneohe Bay.

Dear Board Members,

I was involved with the original Kaneohe Bay Task force back in the early 90's to help create and set up rules that would mitigate the over use of commercial activity within Kaneohe Bay, it was clear then that some proactive measures were needed in order to protect the bay from overuse. Many within the Community spent numerous hours and meetings to come up with a fair and balance approach to this problem and for several decades things have worked well.

Recently I and others have witnessed and explosion of over use once again of the bay and its pristine resources, I have personally witnessed Mr. Thomas P. Bellit drive his vessel to the loading dock area at Heeia Kea small boat harbor and load passengers. I am at the harbor often and twice I have had people come up to me and ask where they are supposed to meet the vessel "Carry On" to go out to the Sandbar, I asked these people where they found this vessel and if it is a charter for which they stated to me they found it online and yes it was a charter to go out to the Sandbar.

I have a private pleasure boat and often go to the Sandbar with my family and also witnessed this vessel at the location where no commercial activity

is allowed at all. I have questioned Mr. Bellit on this issue and he has stated he is not conducting commercial activity while on the same day his customers stated differently to me directly at the harbor prior to boarding. This is unfortunate as it puts boater against boater, tourist against residence.

I always point out the fact that there are legal business available to take out tourists that do operate within the legal areas of the bay. I hope the Land Board takes this issue seriously and impose a serious fine upon this illegal activity within Kaneohe Bay.

Thank you for the opportunity to comment on this.

Randy Cates