

Department of Land and Natural Resources
Land Division

BEACH WEDDING PERMITS
Frequently Asked Questions

The Department of Land and Natural Resources (DLNR) has the public trust responsibility to manage the State's public lands and natural resources. We are guided by a hierarchy of resource management priorities established by our governing Board of Land and Natural Resources:

First, to protect our natural and cultural resources; Second to provide for public resident recreational access that does not damage those resources; and Third, to allow commercial activity that does not damage the natural and cultural resources, or negatively impact the public's recreational use.

In 2002 DLNR adopted administrative rules which state that “No person shall engage in commercial activities of any kind [on unencumbered public lands] without a written permit from the board or its authorized representative.” HAR 13-221-35.

Commercial activity is defined to include any activity for which compensation is received by any person rendered to customers or participants in that activity, regardless if the base of the commercial operations are outside the boundaries of the public lands. HAR 13-221-2.

In Hawaii most, if not all, of the beach area makai or seaward of the high wash of the waves is unencumbered public lands owned by the State of Hawaii. A good rule of thumb is if you are standing on a sandy beach or a rocky shoreline with waves lapping near your feet, you are on unencumbered state land.

Weddings taking place on a state beach which have any component that involves the receipt of compensation for services or goods other than the services of a photographer require a permit from the DLNR. The following Frequently Asked Questions (FAQ) are intended to provide guidance for persons seeking a permit for a beach wedding, or trying to determine if a particular wedding requires a permit. We will add new FAQ as we receive more inquiries. If you have a question that is not addressed here, please contact us at (808) 587-0417 and we will be happy to provide additional guidance.

FREQUENTLY ASKED QUESTIONS

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- Where and how do I submit my permit application for a beach wedding on State lands?
- When will the permits from the State be required for beach weddings?
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- Are ministers, priests, rabbis and other religious or nonprofit entities who conduct wedding ceremonies required to have a permit?
- I understand that most photographers already have permits for taking photos on certain state beaches. Do they need to obtain a separate permit for beach weddings?
- What is the penalty for not having a permit for a beach wedding?
- Are there any State shoreline locations where a beach wedding is not allowed or will not be allowed?
- Is there an exception for smaller weddings such as those that consist of no more than the bridal couple and a minister?
- A wedding must sometimes be cancelled, rescheduled or moved to another location due to inclement weather or other adverse circumstances. Does the current permitting system provide for refunds or flexibility to address those situations?
- How will DLNR be using the money collected for these wedding permits fees?

Where can I get an application for the permit?

Application forms for right-of-entry permits are available on the Land Division website at <http://hawaii.gov/dlnr/land/forms-1/forms>, and at any district office of the Department of Land and Natural Resources, Land Division at the following addresses:

OAHU

Department of Land and Natural Resources
Land Division
1151 Punchbowl St., Room 220
Honolulu, Hawaii 96813
(808) 587-0417

MAUI

Department of Land and Natural Resources
Land Division
54 High St., Room 101
Wailuku, Hawaii 96793
(808) 984-8103

KAUAI

Department of Land and Natural Resources
Land Division
3060 Eiwa St., Room 205A
Lihue, Hawaii 96766
(808) 274-3491

HAWAII

Department of Land and Natural Resources
Land Division
75 Aupuni St., Room 204
Hilo, Hawaii 96720
(808) 974-6203

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Where and how do I submit my permit application for a beach wedding on State lands?

Please mail the completed application form, a copy of your certificate of insurance, a map of the location and check to our Honolulu Office at:

Department of Land and Natural Resources
Land Division
1151 Punchbowl St., Room 220
Honolulu, Hawaii 96813

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When will the permits from the State be required for beach weddings?

As of August 1, 2008, the Department requires a right-of-entry permit for all commercial weddings in which a person is receiving some form of compensation for services rendered on state beaches.

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What information must be provided in the application for the permit?

Applications must include general information regarding the applicant's identity, the date, location and size of the area being used for the event. The location must include the Tax Map Key (TMK) number of the site so the specific beach may be identified. A map showing the requested location must also be attached to the application together with a copy of the applicant's certificate of insurance.

Please note: most beach areas are not assigned a separate TMK number. In those cases, the applicant should note the beach is "Seaward of TMK No. 1-2-333:444."

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What is a TMK number, why is it required, and how do I find it?

A TMK number is the parcel identification assigned to legally subdivided lots under the various counties' property tax system. The TMK number of a property can be found by contacting the applicable county property tax division or searching the applicable county's website. The DLNR requires the TMK number to verify the general location of the event to ensure that we are identifying the proper location of the wedding. Often times, common beach names in Hawaii are associated with more than one location. Use of the TMK number for verification avoids any confusion that may result from the use of common beach names alone. Since beaches often do not have a TMK number assigned to it, we recommend that the Applicant identify and use the TMK number of the parcel closest to the location of the event at the beach.

You can use this website to "drill-down" to the parcel(s) you're interested in:
<http://www.taxmapshi.com>

(Site created and maintained by Halberg Computer Solutions utilizing tax maps from the county Real Property Tax Offices. This link is provided as a service; DLNR does not endorse Halberg Computer Solutions nor attest to the accuracy of the data presented.)

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Does a permit give me the right to use a location on the beach exclusively?

Yes, but the permit only allows persons attending the event to use an area that is: 1) selected upon arrival at the beach, 2) limited to a footprint containing the specified square footage requested in the application, and 3) only for the duration of the time approved by the department on the permit. However, the permit does *not* provide a pre-established designated area on the beach for the wedding.

Permit holders must find an open area when they arrive at the beach and may hold their wedding in that open location. The selection of the location should be made by the applicant immediately before the event is held. You may not "reserve" an area of the beach prior to the time listed on the permit. Permitted commercial activities must take appropriate precautions to minimize inconveniences to and not interfere with surrounding residents, landowners, and the public in general.

No member of the public may be compelled to vacate a site on the beach to accommodate an applicant's desire to be situated at a particular location.

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Is a separate application required for each event?

No. A single application may be used to apply for up to 10 (ten) separate events or activities at the same beach.

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What is the charge for the permit?

The permit fee is based on a charge of \$0.10 per square foot for the requested area, with a minimum charge of \$20.00 per event per day. The fee for multiple events on a single application may be paid for with a single check.

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What are the insurance requirements for the permit?

The applicant must have current liability insurance coverage of at least \$300,000 per incident and \$500,000 aggregate. The applicant must name the State *as an additional insured*, and provide a copy of the certificate of insurance with the application.

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Should the applicant be aware of other important permit requirements?

Yes.

The applicant and all other persons being compensated for services or goods at the event should read and abide by all of the Terms and Conditions posted on the website and attached to the application form.

Applications should be for no more than two (2) hours per event which includes set up and restoring the area after the event.

In addition to other terms and conditions of the permit, all persons receiving compensation for services related to the beach wedding must: 1) possess a copy of the signed permit at all times while using state lands; 2) use all appropriate precautions to minimize inconveniences to and not interfere with surrounding residents, landowners, and the public in general; and 3) clean and restore the right-of-entry area to its original condition upon completion of the event.

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Who is required to apply for the permit?

Anyone assuming overall responsibility for the event or anyone receiving any form of compensation for services or goods for the event may apply for the permit. All persons receiving any form of compensation for services or goods provided on the beach are required to have a ROE permit. However, one permit may be obtained for a single event to cover all persons required to have a permit provided all such persons carry a copy of the permit at all times during the event. By agreeing to be covered by a single permit for the event and possessing a copy of the permit, all persons required to have a permit are agreeing to abide and be bound by all of the terms and conditions of the permit.

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What is the filing deadline for an application for a beach wedding?

Applications must be received by the Department no later than one week prior to the event or activity date.

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How long does it take to process an application?

The current processing time for the application is seven calendar days.

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What do I do if I have a request to perform a wedding on the beach in less than seven calendar days?

DLNR is developing an on-line permit system which will process applications in less than a day. We anticipate the system to be operational in October. In the meantime, if you have a request for a last minute wedding on the beach, you have the following choices:

1. If you are in a county which permits weddings in county beach parks without a permit, you may hold the wedding in that location;
2. Arrange to hold the wedding on private land adjacent to the beach;
3. DLNR is offering to accommodate the wedding industry until we complete the on-line system ***provided*** that all commercial operators associated with a last minute wedding strictly comply with the following conditions and procedures:
 - If you receive a request for a beach wedding with less than seven calendar days notice, immediately mail a completed permit application and payment to DLNR in accordance with the prior instructions. Make sure you keep a copy of the application.
 - In an effort to accommodate the wedding industry while we develop the on-line system, DLNR will treat copies of applications in the same manner as a permit ***provided the commercial operators comply with the following conditions and act in good faith***. All commercial operators at the wedding must have a copy of the application on them during all times they are on the beach for the ceremony. All commercial operators must show a

copy of the application to any DLNR official if asked. Failure to have or display a copy of an application will be treated the same as the failure to have a permit.

- All commercial operators utilizing this temporary last minute wedding process are expected to be familiar with the standard ROE permit conditions and to comply with them during the ceremony, setup and breakdown.
- DLNR officials have been instructed to gather information on any last minute weddings using applications instead of permits. The information will be sent to the DLNR Land Division office, which will verify whether the completed application and payment were postmarked no later than the day of the wedding.

In the event any commercial operator is discovered to be holding beach weddings with an application but the application was not mailed to DLNR in accordance with this process, or in the event a commercial operator has violated the standard conditions, they will be notified that they are thereafter denied the ability to conduct commercial activities on unencumbered state land without a permit, and will lose the ability to conduct last minute weddings on state beaches. All DLNR enforcement officers and land agents will be notified of the identity of the commercial operator and their status.

DLNR reserves the right to deny or impose special conditions on future permits on the grounds that commercial operators have not complied with permit conditions or have repeatedly violated conditions or procedures. Violations may also result in civil penalties.

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Are ministers, priests, rabbis and other religious or nonprofit entities who conduct wedding ceremonies required to have a permit?

Yes. Under the Department's rules, if they are receiving some form of compensation for the services, they would need to apply for a permit. The State does not discriminate on the basis of religion or regulate the content of a religious ceremony.

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I understand that most photographers already have permits for taking photos on certain state beaches. Do they need to obtain a separate permit for beach weddings?

Usually not. Photographers are provided a separate qualifying permit to shoot pictures and film on unencumbered state lands through the Hawaii Film Office. Accordingly, any photographer with a qualifying film permit does not need a right of entry permit from DLNR to take wedding pictures on a state beach.

If the wedding occurs on private or county land, and the *only* commercial activity to occur on the state beach is the wedding pictures taken by a photographer with a qualifying film permit, the activity does not require a DLNR ROE permit.

However, if any other person or entity receiving compensation for services related to the wedding is conducting any portion of that event or providing any good for that event on the state beach, they will need a DLNR ROE permit. Accordingly, if the minister, musician, florist or other commercial operator is providing a good or service at the beach location, they must have the DLNR ROE permit.

Remember, a single permit may cover more than one person or entity who is required to have a permit.

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What is the penalty for not having a permit for a beach wedding?

Any person conducting an unauthorized activity on public lands is subject to a civil penalty of up to \$5,000 for the first violation, up to \$10,000 for a second violation occurring within 5 years of the last violation, and up to \$20,000 for a third or subsequent violation occurring within 5 years of the last violation.

DLNR will keep a record of commercial operators who fail to obtain permits or violate permit conditions. DLNR reserves the right to deny permit applications or impose special conditions on future permits in the event commercial operators have not obtained permits for commercial activities on unencumbered public lands or have failed to comply with permit conditions.

The law does provide for criminal penalties for unauthorized activities on public lands. The department reserves the right to pursue such penalties in the event activities rise to a criminal level, such as weddings involving vehicles on the beach, alcohol and public nudity.

Any civil penalty may only be imposed through an administrative hearing or judicial process with notice to the affected party, an opportunity to be heard, and an opportunity for an appeal.

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Are there any State shoreline locations where a beach wedding is not allowed or will not be allowed?

At this time, no beach weddings are allowed on Kaanapali Beach, Maui. Kaanapali Beach is under the jurisdiction of DLNR's Division of Boating and Ocean Recreation (DOBOR). In order to allow beach weddings at Kaanapali, the Board of Land and Natural Resources will need to authorize a permit.

Weddings will also not be allowed at or near locations where sensitive cultural or historical sites are known to exist.

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Is there an exception for smaller weddings such as those that consist of no more than the bridal couple and a minister?

No. Any wedding will need a permit if the wedding is taking place on a state beach and a fee for services is being paid.

DLNR permits are intended to provide guidance through permit conditions which will modulate or mitigate any impacts of these activities on public lands while providing assurance to the industry that the activity may proceed as permitted.

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A wedding must sometimes be cancelled, rescheduled or moved to another location due to inclement weather or other adverse circumstances. Does the current permitting system provide for refunds or flexibility to address those situations?

No, the current system cannot accommodate refunds for last minute cancellations. DLNR will request the vendor developing the on-line system to incorporate that ability if possible..

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How will DLNR be using the money collected for these wedding permits fees?

Under the current law, DLNR does not retain fees collected for ROE permits. Those fees go to the State General Fund. The right of entry fee amount has been established by the Board of Land and Natural Resources at \$0.10 per square foot.

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