

LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
LAURA H. THIELEN  
Chairperson**

**Before the House Committee on  
WATER, LAND AND OCEAN RESOURCES**

**Monday, February 09, 2009  
9:30 AM  
State Capitol, Conference Room 325**

**In consideration of  
HOUSE BILL 1708  
RELATING TO UNENCUMBERED PUBLIC LANDS**

House Bill 1708 proposes to require the Department of Land and Natural Resources (Department) to establish a simple permit process for wedding ceremonies at state beaches and parks. The Department opposes this measure as being unnecessary.

The Department has developed and implemented a "simple, online or web-based application" permitting system for certain commercial activities on unencumbered lands that have limited or no adverse impact on the resources. The online permitting system is currently limited to beach weddings and other similarly non-obtrusive commercial activities. The determination of whether a commercial activity is appropriate for permitting under the Wiki Permits system is based on the hierarchy of resource management priorities established by the Board of Land and Natural Resources (Board), which is to: First, protect our natural and cultural resources; Second provide for public resident recreational access that does not damage those resources; and Third, allow commercial activity that does not damage the natural and cultural resources, or negatively impact the public's recreational use.

Since August 1, 2008, the Department has successfully issued permits for over 4,000 beach weddings in the State. Initially the Department utilized a paper permit process, however, on November 10, 2008, the Department launched its Wiki Permits online permitting system, a simple permit process as is contemplated by this bill. Since that initial date, over 900 permits have been issued with Wiki Permits. This system is similar to purchasing an airline ticket over the internet, after the initial set-up. An applicant first submits a simple application form, together with a certificate of insurance naming the State of Hawaii as additional insured. Upon receipt (submissions can be done by email, fax, or mail), staff sends the applicant, usually within one business day, a user name and password with instructions on how to access the Wiki Permits website. Thereafter, an applicant can pull a permit for any beach in the system (currently there

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

are 131 available sites statewide) in a few minutes time by logging in, selecting both a primary and secondary beach (in case of rain or crowded conditions at the primary beach), entering the event details (e.g. date, time, number of persons) and then either paying with a credit card or having the charge put on a monthly billing. Payment is based on \$.10 per square foot, with a \$20.00 minimum. After making arrangements for payment, the applicant then prints the permit.

The proposed bill is too broad in that it provides that the permit shall be applicable to "*any* unencumbered public lands ..." (emphasis added). The Department's Wiki Permit sites are currently only for specific beach areas makai of the shoreline as vetted by staff; each site is individually set-up and we continually add sites, as appropriate, in response to requests from wedding coordinators and individuals for additional locations. However, the Department does not believe that *any* unencumbered public lands should be available for weddings; some sites are not suitable, e.g. where there is a sensitive cultural resource, such as Kukui Heiau on Kauai, or because a site may be exceptionally dangerous during periods of high surf, such as Lumahai Beach, also on Kauai. Using Wiki Permits, we do not make Kukui Heiau available for permits, and likewise limit Lumahai Beach to only the period from Memorial Day to Labor Day each year.

The proposed bill states that "The permit shall provide for reasonable restrictions on the use or setup of any tents, chairs, tables, arches, or any other apparatus." The Department is opposed to this language as our current terms and conditions prohibit these items with the exception of "a limited number of chairs as strictly necessary for the support of elderly, infirm, or disabled persons attending the event(s)" and a "small podium or cake stand, not to exceed three feet square in size." The Department believes that making any additional allowance for equipment beyond that which we have already provided will provide an opening for other commercial shorefront activities that occupy significant amounts of limited beach space, such as surfboard schools and kayak companies, which are currently prohibited under the existing terms and conditions.

Wiki Permits does not currently cover permits for our State parks; however, our State Parks division is working with eHawaii, our partner for Wiki Permits, to establish a similar, simple online permitting system for permits. The Department fully expects that this effort will eventually integrate other permits issued by our State Parks and other divisions, including those for weddings.

Staff has worked hard to establish a simple and efficient online permitting system. Wiki Permits has been working extremely well now for several months, and the Department has received many accolades from wedding coordinators and individuals on its ease of use. For these reasons, the Department opposes this bill.



PO BOX 29294 Honolulu, HI 96820

February 7, 2009

House of Representatives  
Committee on Water, Land & Ocean Resources  
Rep. Ken Ito, Chair

Re: HB 1708  
Hearing- Monday, February 9, 2009

Aloha Rep. Ito,

Thank you for the opportunity to submit testimony regarding the proposed HB 1708 regarding Chapter 171 - Limited right of entry; unencumbered public lands. The Oahu Wedding Association would like the opportunity to engage in discussions with the Department of Land and Natural Resources, Land Division to work out an amicable solution to the usage of State unencumbered public land areas. In November 2008, the Department of Land and Natural Resources (DLNR) implemented an online web system for permitting however there are flaws within the system and inconsistencies that the Department has created. It is our belief that the DLNR has been rule making regarding the terms and conditions of the current right of entry permits.

While the intent of HB 1708 is applauded, we would respectfully suggest that there be no limitations on the size of gathering and set up. These guidelines &/or boundaries should be open for discussion when making the terms & conditions of the permitting process.

We would also like to state our position that wedding ceremonies, renewal of vows, christenings and memorial services should not be categorized as commercial activities under HAR 13-221-2.

Mahalo,

Dave Miyamoto  
Oahu Wedding Association / 2009 President

**Aloha Wedding Planners**  
1400 Kapiolani Blvd. A2B Honolulu, HI 96814  
Ph: (808) 943-2711 / Fax: (808) 943-1128  
Email: [aloha.ldr@att.net](mailto:aloha.ldr@att.net)

February 7, 2009

**House of Representatives**  
**Committee on Water, Land & Ocean Resources**  
Rep. Ken Ito, Chair  
Fax: 593-8804

Re: HB 1708  
Hearing- Monday, February 9, 2009

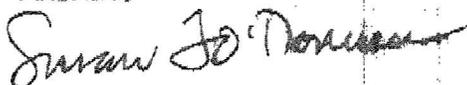
Aloha Rep. Ito,

Thank you for the opportunity to submit testimony regarding the proposed HB 1708 regarding Chapter 171 - Limited right of entry; unconsolidated public lands. I have concerns about the language in this bill wherein it may be too restrictive to the public who would want to use State unconsolidated public lands for wedding ceremonies.

In November 2008, the Department of Land and Natural Resources (DLNR) implemented an online web system for permitting however there are flaws within the system and inconsistencies that the Department has created. It is our belief that the DLNR has been run making regarding the terms and conditions of the current right of entry permits.

While the intent of HB 1708 can be supported, I am concerned with the limitations on the site of gathering and set up. These guidelines & / or boundaries should be open for discussion when making the terms & conditions of the permitting process.

Mohalo,



Susan O'Donnell  
Owner