

WIKI PERMITS: THE BASICS

What are the basic requirements of Wiki Permits?

In order to get set up to obtain a permit from Wiki Permits, you must first forward two things: (1) The Wiki Permits application, which provides your contact information; and (2) a Certificate of Insurance of current liability insurance of at least \$500,000 per incident and \$1,000,000 aggregate naming the State of Hawaii as an additional insured.

You should also read and be prepared to comply with the terms and conditions for Wiki Permits, in particular #14.

How much is the permit fee?

Ten cents per square foot (\$.10/psf), twenty dollars (\$20.00) minimum. Therefore, the minimum \$20.00 fee will provide for 200 square feet. If you require more than 200 square feet, simply enter your requested square footage in Wiki Permits and the fee will be automatically calculated at \$.10/psf.

I have a certain type of event in mind – what are the main restrictions in Wiki Permits?

Wiki Permits allows for limited commercial activity on the unencumbered shoreline, which includes almost all public beaches. The terms and conditions were specifically crafted to avoid conflicts with the public's right to use and enjoy the same shoreline, and in particular, our beaches.

To avoid conflicts with the public, Wiki Permits severely restricts "stuff". Details are contained in #14 of the terms and conditions. Basically, nothing is allowed on the beach with the exception of the list of items at the end of #14.

If your event cannot comply with #14, you should consider another venue, e.g. either a private site, a park under the subject county's parks department, or a State park, any of which may be more liberal in allowing physical items on the land under their jurisdiction (which will usually not include the shoreline or beaches.)

Is there any time limit on the permit?

Yes. The maximum length of any permit is two hours. This includes any required set-up and breakdown. However, since very little is allowed on the shoreline aside from the participants, this two-hour limit should be more than ample.

Who can get a permit?

Any person or entity willing to accept responsibility for the event, including compliance with the terms and conditions by all participants attending the event, may submit the application and certificate of insurance. The applicant name and the named insured on

the certificate of insurance should be identical.

In most cases the applicant will be a professional – an event coordinator, photographer, officiant, musician, etc. with business insurance that includes event coordination. However, individuals who intend to coordinate their own event may obtain the required insurance (see below), submit an application and purchase a permit. Thus, for a beach wedding, a bride, groom, parent, or friend may apply, with the understanding that the applicant is then responsible for the entire event and compliance with the terms and conditions.

Is there a limit on the number of people that I can have at my event?

The average number of participants for Wiki Permits events is 10. Most event professionals are not comfortable with any Wiki Permits event that exceeds 25 people.

If you are planning or contemplating an event larger than 25-30 participants, please contact us to discuss your event plans prior to submitting an application for Wiki Permits, or if you are an event professional already set up in Wiki Permits, prior to purchasing a permit.

Must every professional attending an event obtain a permit?

No. Each event only requires one permit and one permittee, with the understanding that the permittee then accepts responsibility and liability for the entire event, including compliance with the terms and conditions. The permittee should make copies of the permit and provide a copy to each professional attending the event.

Once I forward the application and insurance certificate, what happens next?

Assuming the application and insurance certificate are satisfactory, staff will forward an email to the email address on the application, providing the applicant with a Wiki Permits user name and password. Once you have a user name and a password, you are ready to purchase a permit.

How far in advance of an event do I need to submit the application and certificate of insurance?

We ask that you be reasonable. At least a week or two in advance is a reasonable time frame. Oftentimes the insurance certificate must be revised because it does not plainly state that the State of Hawaii is named as an additional insured. This requires the cooperation of both the applicant and their insurance company and is thus beyond the control of our staff.

Can I submit the application and insurance by email or by fax?

Yes. The application and insurance can be submitted via mail, email, or facsimile to:

Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, HI 96813

Email: dlnr.wiki.permits@hawaii.gov

Facsimile: (808) 312-6357

Once I'm set up with a user name and password, is there any advantage to getting the permit early?

No. This is because everyone gets a permit. You may or may not have the only event at your chosen site at your chosen time period, but regardless, there should be no expectation of exclusivity. Please assume that you may be sharing the beach or shoreline area with the public and another event, and possibly more than one other event.

Once I'm set up with a user name and password, are there any disadvantages to getting the permit early?

Yes, because once you've purchased a permit, no changes or refunds are possible. If circumstances prevent you from accessing both of your permitted sites, you've lost your permit fee. You may still purchase another permit, however, for the date(s) covered by your insurance.

Many permittees do get their permits well in advance of the event date because they are committed to that date, perhaps because the number of participants does not allow them the flexibility of a last-minute change, or because the date has a special significance to them. Since Wiki Permits allows you to specify both a primary and alternative site, we suggest you specify an alternative site in a significantly different area from your primary site.

What's the best time to purchase my permit?

There's no single opportune time, but most people should purchase the permit either the night before the event or the morning of the event, after reviewing the weather forecast and any other local news that may impact your ability to access the chosen site. In Wiki Permits, you can purchase the permit anytime prior to the event (even just minutes before) but that's not practical for the average person. You will need access to a computer to access Wiki Permits and a printer to print the permit.

What are some of the reasons I might not be able to access my preferred site?

Unforeseen circumstances. For example, here are some incidents that happened to certain permittees: (1) inclement weather, i.e. torrential rains causing flooding and road closures; (2) road or area closures for government security purposes, e.g. the APEC conference in Honolulu and the President's motorcade; (3) tsunami warnings; (4) other unforeseen events, e.g. traffic accidents, wildfires, water main breaks, etc.

CERTIFICATE OF INSURANCE:

How do I obtain the required insurance?

Obtaining the required insurance (as detailed in #3 of the terms and conditions) should not be difficult, but the steps are different depending on the applicant.

For event coordinators: Typically you will be buying an annual commercial policy. We recommend you provide your agent with the Wiki Permits terms and conditions with instructions that the State of Hawaii must be named as an additional insured on your policy. Your insurance agent should be able to take it from there.

For other commercial entities (e.g. photographers, officiants/ministers/reverends/kahus, musicians, churches/religious organizations, etc.): Again, typically you will be buying an annual commercial policy. For businesses who do not have “event coordination, wedding planning, or similar language incorporated into their business name, we request the following in the Description of Operations section of the required Certificate of Insurance: “The Certificate Holder is named as an additional insured. Event Coordination re Wiki Permits right-of-entry permits on State unencumbered shoreline.”

Photographers, officiants, musicians, etc. are "wearing a second hat" when they are a Wiki Permits permittee because they are effectively serving as the event coordinator. Businesses and professionals who submit certificates of insurance wherein the descriptions of operations are, for example, "photos and photo shoots" or "officiant services" will have their certificates rejected by staff because the plain language of the certificate limits the insured to solely the described operations. We request that any references to your non-event coordination activities be deleted from the Certificate of Insurance . So, for a photographer or officiant, we request that references to your photography or officiant services be deleted from the Certificate of Insurance.

For individuals: There are typically two options:

1. For individuals who are also homeowners: Contact your agent and see if the insurance company is willing to extend the homeowner's insurance coverage to this event. There are usually three main issues: (1) most homeowner's insurance is for \$300,000 of liability coverage, but typically the insurance can be increased to the \$1,000,000 required by Wiki Permits for a nominal fee; (2) the State of Hawaii must be named as an additional insured on the homeowner's

policy for the date(s) of the event; "proof of insurance" or a mere "certificate of insurance" that does not specify the State of Hawaii as an additional insured will not suffice; (3) the location should be described on the certificate as "State of Hawaii beach" or "State of Hawaii, [name of site]".

2. For individuals who are not homeowners: The insurance industry typically describes this type of policy as "special event" or "private event insurance". A Google-search for "special event insurance" or "private event insurance" or "wedding insurance" will yield a number of companies that offer policies for one or two day events. Currently, these policies can be obtained starting at about \$75 total for the \$1,000,000 of liability coverage required by Wiki Permits. When purchasing a special event or private event insurance policy, please take care to (1) check the box to add the venue as an additional insured; and (2) when describing the location, please state, "State of Hawaii, [name of site]." You may be requested to provide an address – however, beaches and shoreline areas typically do not have an address.

We recommend that you do not put "Hawaii" into your search for insurance; the major companies offering event insurance are national companies not based in Hawaii.

I am looking at obtaining insurance from an insurance company not licensed by the State of Hawaii. Is this permissible?

Yes, but with conditions. You may submit a Certificate of Insurance from a "non- admitted" carrier (sometimes also referred to as a "surplus lines" carrier), on the condition that the carrier has an A.M. Best's rating of "A-VII" or better. Check with your insurance agent or the carrier and inquire regarding their A.M. Best rating.

I am not an event coordinator and I am applying for the insurance for my single event. The insurance application is asking me for an address for my event. What should I put down?

As a general rule, beaches and shoreline sites are not going to have an address. Addresses are issued by the U.S. Postal Service only for the purpose of delivering mail.

As a general rule, neither does a beach or shoreline site have a tax map key ("TMK"). TMKs are issued by the respective counties for the purpose of collecting real property taxes.

In Wiki Permits, we use the tax map key(s) of the parcel(s) immediately mauka (landward) of the shoreline site to identify its location, and describe that location as "seaward of [TMK #]".

On Land Divison's "Forms" page at <http://dlnr.hawaii.gov/land/files/2013/07/WikiPermitLocations.pdf> at #1 we provide a link to the site names and TMKs for all sites in Wiki Permits. If your insurance company is

demanding an address, we suggest you state it is "seaward of [TMK #]", after obtaining the correct TMK# from our list.

Thankfully, most insurance companies do not demand an address, and will accept the name of the site with a generalized address, such as "State of Hawaii, Kailua Beach, Kailua, Hawaii." We suggest you initially keep it simple and only provide the detailed TMK# if the insurance company requires this.

PHOTOGRAPHY and WIKI PERMITS:

Does Wiki Permits cover a photographer?

Yes. As of January 1, 2015, the Hawaii Film Office recognized that a Wiki Permits permit is satisfactory for a photographer to be on the State unencumbered shoreline.

Is a Wiki Permits permit the only permit available for a photographer to be on the State unencumbered shoreline?

No. The photographer may obtain a permit from the Hawaii Film Office. Therefore, a photographer may obtain either a Wiki Permits permit or a Hawaii Film Office permit to be on the State unencumbered shoreline; either will suffice.

What if a wedding occurs on private or county land and afterwards the photographer and couple want to take pictures on the State unencumbered shoreline?

The photographer will need a permit but it can be either a Wiki Permits permit or a Hawaii Film Office permit.

LOCATIONS/ACCESS:

Do I get a specific area for my event?

No. You can claim any open area in the permit area, however.

Can I ask the public to move from the area that I wish to use?

No. You can claim any open area in the permit area, but please do not ask any member of the public to move or relocate to accommodate your event.

If I can get a permit for a site, do I also have to worry about public access to the shoreline?

Yes. As part of your preparations, you should be checking the site and determining the logistical details – where you can legally park, how are you going to access the shoreline, where are there public restrooms, etc.

Event professionals should be familiar with these details of the sites they select. If you

are not hiring a professional already familiar with the various sites on each island, then be prepared to do your homework and visit each site you are considering for your event to assess any logistical issues.

Creating and maintaining public access to the shoreline is primarily a county function. There are sites in Wiki Permits where the only practical access is over private property with the permission of the property owner (e.g. Kikaua Pt. on the Big Island.) Certain sites may have very limited parking. If you are not thoroughly familiar with a location based on your past experience, please do your homework before selecting that site.

What areas are covered in Wiki Permits?

All of the sites in Wiki Permits are portions of the unencumbered shoreline.

"Unencumbered" means that the shoreline area has not been the subject of a disposition to another part of government. Any shoreline area that has been transferred to another part of government (e.g. for a State park or county park or federal park) is not in Wiki Permits.

"Shoreline" is defined in State law at HRS §205A-1, as follows: " 'Shoreline' means the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves."

As defined above, shoreline includes not only beaches, but also the rocky coast.

The best visual clues to the shoreline are generally the "edge of vegetation growth, or the upper limit of debris." Permittees should be in the permitted shoreline area if they place themselves makai, or seaward, of the vegetation and debris line.

The application asks me to name a beach, but I haven't decided on one yet. Can I still submit the application without naming a site?

Yes. It is not necessary to specify the beach or site until you actually purchase your permit, which can be done just prior to the event.

The application requests that you specify a site for screening purposes – if you name a beach or site that is not in Wiki Permits, then staff will attempt to contact you to let you know that site is not permissible by our office.

Most applicants do have a particular site in mind when they submit their application for Wiki Permits, but if you do not, or wish to scout the sites further before deciding on your primary and alternate sites, you can write "To Be Determined" or "TBD" on the application. Your selection will be restricted, however, to those sites set-up in Wiki Permits.

I was looking at the list of sites included in Wiki Permits, and noticed that some locations like Kailua Beach have many sites listed. How do I know which is which and what should I put

down on the application?

Certain large beaches like Kailua Beach and Waimanalo Beach on Oahu, and Kapalua Bay and Napili Bay on Maui (and several others throughout the State), because of their size, have multiple sites set-up in Wiki Permits. If you see your beach on our list of sites, it should be safe to forward your application with just the single name of the beach (e.g. "Kailua Beach" or "Waimanalo Beach").

Once staff has set you up in Wiki Permits and provided you with a user name and password, you can then log-in to Wiki Permits. Initially, you will see a map of the island associated with your account, which is the default "map" view. However, you can then also select an alternate view of your island by clicking on the "satellite" tab. The satellite view uses Google Earth to provide you with a satellite image of your island. By using the zoom tool to then zoom down to, for example, Kailua Beach, you should be able to associate the various icons we have placed along the shoreline with familiar landmarks known to you to determine which icon is associated with your preferred site. Select that icon.

My preferred site is the beach in front of a county park – do I need a permit from the county or can I get the permit from Wiki Permits?

The general rule (with very few exceptions) is that where you have a county park, the shoreline still belongs to the State. Therefore, if you want your event on the sandy beach, you will need a permit from Wiki Permits. (The county cannot issue you a permit for the sandy beach because that land is not under their jurisdiction.) The known exceptions (i.e. the few county parks that include the shoreline) are listed in the next FAQ, immediately below.

What popular locations are not in Wiki Permits?

Given that over 55,000 event permits have already been issued, most sites have already been researched and set-up in Wiki Permits, provided that is possible. Here is a partial listing of popular sites that are not in Wiki Permits and whom you might contact to pursue obtaining a permit there (unless, as stated below, it is already known by our staff that no permits are currently issued for that site):

All islands: Shorelines associated with a military base. (Check with the appropriate military branch.)

Shorelines associated with a lighthouse. (Check with the U. S. Coast Guard.)

Kauai: Black Pot Beach. (Check with County of Kauai Parks Dept.)

Hanalei Pier (Under jurisdiction of DLNR's Division of Boating and Ocean Recreation (DBOR), which does not issue commercial activity right-of-entry permits for this site.)

Lumahaui Beach. Permits will be granted for the period Memorial Day to Labor

Day, inclusive, each year. Permits will not be granted after Labor Day, each year, until Memorial Day of the following year because of hazardous coastal conditions during our seasonal periods of high surf. It is considered to be a safe location only during the summer months.

Oahu: Most of Waikiki Beach, to include everything from the Hilton Pier extending to and including the Elks Club. (Under jurisdiction of DLNR's DBOR, which does not issue commercial right-of-entry permits here.) Duke Kahanamoku Beach, which is the beach fronting the Hilton complex and containing the Hilton Lagoon, is in Wiki Permits.

Ko Olina (Check with Ko Olina. The shoreline at Ko Olina is artificially created and Ko Olina's property line extends to the seaward edge of the four lagoons, meaning that the lagoons and shoreline here are private property.)

Kahala Hotel (Check with Kahala Hotel. The shoreline fronting the hotel is State land but under a permit to the Kahala Hotel.)

Magic Island/Ala Moana Beach (Check with City and County of Honolulu's Parks Department.)

Kakaako District Park (Check with the Hawaii Community Development Authority.)

Maui: Makena State Park (Includes Big Beach and Oneuli Beach.) State Parks issues permits here.)

Ahihi-Kinohiwa Natural Area Reserve/La Perouse Bay: (All commercial activity is prohibited in this natural area reserve.)

Wainapanapa State Park (State Parks issues permits here.)

Kaanapali Coast (This area, extending from Canoe Beach on the south, to Kaanapali Shores on the north, is under the jurisdiction of DBOR, which does not issue commercial right-of-entry permits for this coastline area.)

Hawaii

(Big Island): Old Kona Airport Beach (Check with Hawaii County Parks Department.)

Kiholo Bay (State Parks issues permits here.)

Kaloko-Honokohau National Historical Park (Check with the National Park Service.)

What about sensitive cultural or historical sites?

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

A prominent example is Kukui Heiau, a sensitive cultural site on the island of Kauai, more particularly located on the point near the makai edge of the Lae Nani Condominium.

I have a preferred site in mind, but I don't see it on the Wiki Permit list of sites. What can I do to get more information about why that site is not in Wiki Permits?

Please refer to our list of permitted beach locations.

There is State land just mauka (landward) of the shoreline – can I have my event there?

No. Wiki Permits is solely for the shoreline area. If you want a permit for an area other than the shoreline area, it may be possible but there is probably no streamlined process like Wiki Permits in place. Please contact our staff and inquire if they can process your request. In most cases, the permit request must go before the Land Board and since that is a lengthy process, we suggest that you submit your request a minimum of 90 days in advance and preferably longer.

Is there a possibility of using Wiki Permits to have my event at someplace other than the shoreline?

No. See prior question immediately above.

I have a vacation rental on the beach and want to have the event right in front of the vacation rental – is that possible?

Please refer to our list of permitted beach locations.

ISSUES FOR PERSONS/ENTITIES ALREADY SET-UP IN WIKI PERMITS

How do I use Wiki Permits?

Most users will find Wiki Permits simple and intuitive. If you do make any mistakes, Wiki Permits will instruct you how to make the corrections. We also have a PDF guide that provides a screen-by-screen step-by-step, but since the process itself is straightforward, we send the PDF guide only upon request.

I've logged-in to Wiki Permits and it accepted my user name and password, but I don't see any list of sites – what's the problem?

Basically, this error occurs with a very small percentage of Wiki Permits users due to a conflict with their Internet Explorer web browser settings.

There are instructions to resolve the problem right above the "I Agree" button. The easy

solution is to use another web browser other than Internet Explorer. The instructions provide a link to a free web browser, Firefox. If you use Firefox or any web browser other than Internet Explorer (and even Internet Explorer works for most users), you should have no problems.

I'm purchasing my permit and Wiki Permits is asking me how many people are attending – do I list just the participants or also the paid professionals?

Please list the total number of individuals attending. Participants plus professionals should equal total number of people listed on the permit.

I'm purchasing my permit and Wiki Permits is asking me to put in the area used. Is there some rule that each person equals a certain area? How do I know how much area I'll actually need?

No, there are no rules that each person equals a certain area.

In the box that requests "area used" you should put a number that adequately encompasses your entire event. If uncertain, we suggest you stand in a room large enough to hold your event as you envision it. To calculate area, measure the length of each wall in feet and multiply the two numbers together. That is the area in square feet you should type in for your permit.

I'm an event coordinator/professional and I'm trying to purchase a permit for an event next month. Wiki Permits is giving me an error message that states "Event date must be within your insurance coverage period." What are my options now?

This is an error message that Wiki Permits gives when you are trying to purchase a permit for a date past your insurance coverage period. So, for example, if today is January 15th, your insurance expires on January 31st, and you're trying to purchase a permit for February 15th (or for any date after January 31st), that is not possible in Wiki Permits - you will get this error message.

One option to resolve this issue might be to contact your insurance agent and see if the agent will give you an insurance certificate in advance for your new policy year provided you pay the policy premium early.

Once your new insurance certificate is provided to Land Division, your Wiki Permits profile will be updated and you'll be able to purchase your permit.

I am an event coordinator or commercial business with an annual insurance policy, already set-up in Wiki Permits. When I try to log-in to obtain a permit from Wiki Permits, I get an error message that says "Your insurance has expired or it is not current." What should I do?

The basic issue is Land Division does not have a copy of your current certificate of insurance and it must receive this in order to update your profile in Wiki Permits.

Maintaining a current certificate of insurance is the only requirement for an applicant to continue in Wiki Permits.

You may have paid your premium for your new insurance policy and you may have actually received your new policy. That does not mean, however, that your insurance agent or company has forwarded a new certificate of insurance to Land Division. While most insurance agents and companies will forward new certificates of insurance to each additional insured on your policy as your policy rolls over from year-to-year, it doesn't always happen automatically without some prompting by you, the named insured.

Prudent business owners should check with each of their additional insureds, including Land Division, just prior to the start of their insurance policy year, to confirm each additional insured is in receipt of a new certificate of insurance for your business.

I'm in Wiki Permits and I'm trying to enter the date of my event, but I'm getting an error message that says "Invalid event date entered (use mm/dd/yyyy)." What can I do?

You must use the correct format. Most likely you are entering the year as two digits instead of four; try re-entering the date in the format shown above.

The easiest solution is to click on the correct date on the calendar provided in Wiki Permits. The correct date will then be entered for you.

OTHER ISSUES:

I want my event to be as private as possible – what steps can I take to ensure privacy?

Since your permit is for an area within the public shoreline, you cannot ensure privacy for your event. At a minimum, the public will be able to access the same shoreline area. And, there is always a possibility that another event will obtain a permit for the same site, same time, as your event.

Wiki Permits does have tools, however, to help you research permit usage for any site, or any island. First, log-in with your user name and password. Then, click on "Reports." Then, select the island and enter a date range. Select "search" and all permits issued for that island, that date range, will appear including the permit names, the number of persons attending, and the time of the event. You may also search any particular site by clicking on the site name. All permits issued by Wiki Permits (55,000+ at this writing) are contained in Reports, and by doing appropriate searches, you can determine the relative popularity of each site. If your intent is to maximize privacy, pick a site that is relatively little used.

What are the potential penalties for participants at an event without a permit?

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 five years of the last violation, and up to \$20,000 for a third or

subsequent violation occurring within five years of the last violation.

Still have more questions?

Please contact us via email at dlr.wiki.permits@hawaii.gov.