



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI
A HO'OMĀKA'IKĀ'I

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March 27, 2026

Chair Kanaka'ole, members of the Board.

My name is Donne Dawson, manager of the Hawai'i Film Office. I have served as the state's film commissioner for the past 25 years and have a tremendous amount of experience working with a wide variety of productions.

Apologies I could not attend today's Land Board meeting in person, but my senior staffer, Sandi Ichihara-Abe, is present and able to answer any questions you may have. Sandi and I have longstanding and close working relationships with all of DLNR's agencies and we thank their hardworking staff for their continued support of the film industry. We thank the Land Board for its ongoing support of our productions.

We would like to ask the Board for its approval of Mossbridge Productions' use of the subject ROE area fronting the Kahala Resort under agenda item D-7.

This is a relatively simple scene: simulating a 60 Minutes interview with a small footprint of approximately 2000 square feet. We know this production will be mindful and respectful of the area and will not impede public access in any way.

The beauty of working with productions is that they are kind to the environment. It's the perfect industry for Hawai'i. Productions come in and create their movie magic (through a temporary use of our land or ocean waters) then clean up and move on as if they were never there in the first place. And in the process spending millions of dollars and creating well paying jobs for our residents.

And it is very appealing to production that they can engage with the Kahala Hotel to offer much-needed production support to shoot in this location.

I am hopeful you will agree and approve this request.

Mahalo for the opportunity to offer testimony.

Aloha,

Donne Dawson

TESTIMONY IN SUPPORT OF AGENDA ITEM D-7
Issuance of Right-of-Entry Permit to Mossbridge Productions, LLC
Kahala, Waialae, O‘ahu

Aloha Chair and Members of the Board of Land and Natural Resources,

My name is Trisha Kehaulani Watson-Sproat. I am submitting testimony in support of the proposed Right-of-Entry permit for filming activities at Kahala, O‘ahu.

I serve as the Aha Moku Representative for the Kona District of O‘ahu, where this project area is located. My family has resided on this moku for generations. We continue to live on our family land in the moku with our extended family. I am also serving as a cultural resource specialist consulting on this project. I will be participating in today’s meeting virtually.

I offer my support based on both my professional expertise and my familial connection to this shoreline. My family, including my father and my husband, have long fished in this area, and I am familiar with the ongoing cultural practices that occur along this coast. Importantly, this project has been designed in a way that avoids ground disturbance, limits the duration of use to two days, and maintains shoreline access except for very brief periods during active filming.

As part of the project, I will be present on-site to monitor production activities and ensure that cultural considerations are upheld, including the protection of access and the ability for practices to continue without disruption beyond temporary and minimal inconvenience.

Given the temporary nature of the activity, the absence of physical impacts, and the incorporation of on-site cultural monitoring, I believe this request is consistent with the State’s obligations under *Ka Pa‘akai* and the public trust doctrine.

While I am participating virtually, my husband, Matt Sproat, is present in person and is available to answer any questions the Board may have regarding fishing practices and the use of this area.

Mahalo for the opportunity to provide testimony, and I respectfully urge the Board to approve this request.

Me ka ha‘aha‘a,
Trisha Kehaulani Watson-Sproat

KA PA‘AKAI ANALYSIS MEMORANDUM

March 27, 2026

Prepared in support of BLNR Submittal (Right-of-Entry Permit – Mossbridge Productions, LLC)

Kahala, Waialae, O‘ahu (TMK: (1) 3-5-023: portions of 041)

This memorandum provides a *Ka Pa‘akai o ka ‘Āina* analysis pursuant to *Ka Pa‘akai O Ka ‘Āina v. Land Use Commission*, 94 Hawai‘i 31 (2000), in support of the Board of Land and Natural Resources’ (BLNR) consideration of a Right-of-Entry (ROE) permit for short-term filming activities at Kahala, O‘ahu. The analysis is intended to demonstrate the work completed on behalf of the applicant to support the State’s obligations to protect Native Hawaiian traditional and customary practices is clearly addressed. It also incorporates a public trust doctrine analysis, given that the subject lands are ceded lands held in trust under Section 5(b) of the Admission Act.

This analysis is prepared by Trisha Kehaulani Watson, JD, PhD, who is consulting on the project and will be present on-site to monitor production activities to ensure that all cultural considerations and protections are implemented in real time. Dr. Watson serves as the Aha Moku Representative for the Kona District of O‘ahu, the district in which the project area is located. Her knowledge about this region is grounded not only in her professional training and experience in Native Hawaiian cultural resource management, but also in her familial and generational connections to this coastline. Her family members, including her father and husband, have long fished in this area, fostering an intimate, lived understanding of the coastal resources, seasonal conditions, and cultural practices associated with this shoreline. As such, this analysis reflects both professional expertise and ‘ohana-based knowledge systems that are essential to a meaningful *Ka Pa‘akai* evaluation.

The proposed action consists of a temporary use of approximately 2,000 square feet of landscaped coastal land fronting the Kahala Hotel for filming and staging purposes over a two-day period. The activity will not involve any ground disturbance, grading, construction, or land alteration, and is limited in duration and footprint. The area is already in active use as maintained resort frontage, yet remains part of a broader coastal environment that continues to support Native Hawaiian cultural practices and public trust resources.

Within the *Ka Pa‘akai* framework, the first step is identifying cultural practices and resources in the affected area. The shoreline at Wai‘alae–Kāhala is historically and presently associated with nearshore fishing, limu gathering, and other forms of subsistence and recreational use that are deeply rooted in Native Hawaiian traditions. The coastline also functions as an access corridor, consistent with longstanding rights to traverse the shoreline, and supports observational practices such as kilo, through which practitioners read ocean conditions, currents, tides, and weather patterns. The nearby beach park is widely used by the community. The persistence of fishing, gathering, and shoreline use by families and community members demonstrates the continued relevance of these practices today.

The second step under *Ka Pa 'akai* is the assessment of potential impacts to these cultural practices and resources. Based on the project description, the proposed activity is temporary, non-invasive, and confined to previously disturbed areas. There will be no subsurface disturbance and no physical impact to archaeological or cultural deposits. The primary potential effect is temporary, localized restrictions on shoreline access during active filming periods. However, the project requires that public access be maintained at all times, except during actual filming, and that any restriction will be brief and limited in scope. As such, any interference with cultural practices would be short-term and not result in displacement or long-term loss of access. Given the limited duration of two days and the relatively small footprint of the activity, the impacts on cultural practices are appropriately characterized as nominal.

The third step requires identifying feasible actions to reasonably protect Native Hawaiian rights. In this case, several measures are incorporated to ensure protection. The presence of Dr. Watson as an on-site cultural monitor provides a direct mechanism for oversight, allowing for immediate response to any cultural concerns that may arise. Public access to the shoreline will be maintained, with only temporary and clearly managed interruptions during filming.

Because the subject lands are part of the public land trust, BLNR must also satisfy its constitutional obligations under the public trust doctrine. This requires the Board to identify public trust resources, assess potential impacts, consider reasonable alternatives, and ensure that any approved use does not substantially impair those resources. The shoreline and nearshore waters in this area constitute classic public trust resources, supporting Native Hawaiian traditional and customary practices, public access, and ecological functions. The proposed activity does not result in environmental degradation, does not privatize or exclude the public from these resources beyond brief filming intervals, and does not interfere with long-term access or use. Given its short duration, lack of physical alteration, and built-in protections, the activity does not rise to the level of impairment contemplated under public trust jurisprudence.

In considering alternatives, the nature of the activity already reflects avoidance and minimization strategies. The use of previously disturbed, landscaped areas avoids impacts to intact cultural or natural resources, and the limited duration minimizes disruption. Additional restrictions would not materially reduce impacts beyond what is already achieved through the current project design and conditions.

In balancing the State's trust responsibilities, the proposed use is consistent with the principles articulated in Hawai'i case law, including the requirement that public trust resources be protected while allowing for reasonable uses that do not result in substantial impairment. Here, the temporary, reversible nature of the activity, combined with maintained access and active cultural monitoring, supports a finding that the use is consistent with the State's fiduciary obligations.

In conclusion, this supplemental analysis demonstrates that the requirements of *Ka Pa 'akai* have been satisfied. Cultural practices and resources have been appropriately identified, potential impacts are minimal and temporary, and reasonable measures are in place to protect Native Hawaiian rights. Furthermore, the proposed action is consistent with the State's obligations under the public trust doctrine. With the inclusion of on-site cultural monitoring and adherence

to access and protection measures, the proposed Right-of-Entry permit may be approved without adverse impacts on cultural resources or practices.