

## Contested Case Hearing

Written Direct Testimony of Mr. Paul K. Neves

June 28, 2011

Keaukaha, Hawai`i

I have been a Kumu since October 23, 1999. My Kumu was Kumu Hula Wayne Panoke and his Kumu was Kumu Hula Nona Beamer. I have two Halau, one is a combined Hilo and San Fransico Halau, and my second one is in Washington D.C.. I have about 100 students in all.

I recently directed and produced the Princess Ka`iulani Hula Drama titled "Shattered Vase" that premiered this last April in Hilo to an audience of about 1000 people and was also presented in Washington D.C..

I was the first Kumu to present Hula Kahiko at the Native Museum of the American Indian in Washington D.C.. I have presented at the Kennedy Center, as well. I have presented Kupuna in Hula Competitions--and have taught at least 1000 student since becoming a Kumu Hula.

I am a member of the Royal Order of Kamehameha I. My position in the Order is Ali`i Noeau Loa, which is a position given to one that has previously served as Ka Lai Moku (or one who has held the 2nd highest position). I now can consult at the highest level.

**Ceremonies of Mauna Kea**

I am a Cultural Practitioner and my practice includes spiritual and religious practice conducted on Mauna Kea and also for Mauna Kea. I have been involved in Solstice and Equinox Ceremonies on the Summit of Mauna Kea at least since 1999--about 12 years.

Our ceremonial roles or the role of the ali`i, the role of the chiefs is a customary leadership, it really is as a religious community of the whole Hawaiian archipelago. Basically, our task under these ceremonies is to supervise, to take care of the land and perpetuate the living and ongoing pool of mana, that spirit of life. If we don't do it, that mana cannot flow, cannot come. Mana was what our chiefs seek from God and God in his many manifestations, or her manifestations. The mana flowed to our people from their traditional leaders. That was their responsibility to our people, to our lahui, to our nation. The people who were responsible, in turn, to work with us on the land, and to support both themselves and the people and the chiefs. Spiritual practice, the spiritual practice of the ali`i was essential so that the land, and the whole nation, survive.

The Prayers of Mauna Kea. A pule, or Ho`oulu is a prayer for the increase of resources, you pray for goodness. For example, if someone let me use their `aina in a certain place, I didn't leave it like I found it, I left it better. I left it better. And so pule Ho`oulu is one way the chiefs were responsible, and they were responsible to make their pule and their lives so pono that the mana flowed so that we have growth, we have life, and that we live on, and we're never ever cut off from those manifestations of God all around us.

There's a practice that the chiefs of the Order of Kamehameha do. The Royal Order Processional to ascend Mauna Kea:

It begins often at my house at 9 or 10 o'clock p.m. where all that are participating gather for protocol instructions and then we give ho`okupu (offerings on the lele--ceremonial platform, in my yard) and start the precession up Mauna Kea. Many people join in these ceremonies--the last one we had over 75 people and they often come from all walks of life and all places around the world also. (See EXHIBIT F-3, *National Geographic*). We Hi`uwai, this is to cleanse; before you set out on coming into the presence of the supreme beings, you need to cleanse yourself, to get all things out of your mind. So we do hi`uwai there if it's necessary. So we talk, we fight, we get it out in the open, we clear it before we begin the offering of of the ho`okupu and our journey. We do this four times a year, on both equinox and solstice. But we also do that when we feel the need, when we feel the people or ourselves needing to be in the presence. We also stop at Puhi Bay ahu (shrine), made maybe 20 years ago.

The second thing we do is go to the Naha stone (The Stone Kamehameha I lifted to prove his right to lead the people) . The Naha is on Waiianuenue Avenue at the Hilo Public Library in Hilo, and there we pray for what we call ke alaka`ina, for the leadership, for us leaders to continue, for those who have put themselves in positions of leadership, to be pono. And so we reflect on Kamehameha's life and his commands to us as chiefs.

From the Naha we go to the ahu at Pu`uhuluhulu, at the junction of the road to Mauna Kea. There we honor our kupuna, our grandparents, our tutus, both the living those that cannot make the journey because of restrictions of their health, and those that have made the journey and yet have never been to the top of the mountain. Those who are in the spirit, so we honor our kupuna. And we ask them to always give us counsel, to speak to us. We built this ahu for those that could not ascend further.

From there we go to Hale Pohaku, to the lele there (which is behind the gate at the MK VIS). It's a lele that we put together some years back. Because at that level, we pray for clarity of mind and purpose. We ask to chiefs for permission to ascend. All of Mauna Kea is an ahu, so we ask for clarity and humility. We may stop at Kealoha's Ohana place, too to ask to ascend even further.

At the top, Kukahau`ula, we do not ask for anything. What will be given, is given. It is there we welcome the morning sun or we welcome the sun going into the sunset. But we pray there, we pray for aloha, for peace, for goodness for all. Then we receive whatever they want to give us.

### **Family ties to Mauna Kea and Haleakala**

From one side of my family I get the name Neves which means snow, and on the other side of my family I get the name Kea (which is sometimes called white but means many other things as well).

My daughter's name is Akalanahikulani. She has recently graduated from college with honors after three years of study. My mother is Agnes Kaiapaukea. Her ohana, her family, is from a place called Nahiku on Maui, next door to Keanae. Nahiku means the seven stars of the Big Dipper, which our navigators used as a backup to find their way home if the Hokulea star was

not visible. The source of the name Akala was—back in the sixties my mother visited Keanae, and while she was in Keanae, her grand-aunt met her in the front of St Gabriel's church in Keanae, and there, that aunt who my mother was named after, --her name was Ages Ian, we knew her as auntie Uleo, began what we call nau'ole, at that time it began with a helu, or to tell the family numbers, to story. And actually, she addressed my father, who is full blooded Portuguese, telling him who he was married to.

After that meeting, she took my mother up to the side of Haleakala, and everywhere they stopped, a little cloud followed, and every time tutu Uleo began to oli, or chant, it would rain. At least seven or eight stops, on the way up Haleakala.

When my wife was pregnant in 1989, I was at Keanae with a man named Sam Kaai, we were drinking `awa at a ceremony. And he asked me about my family, and I told him about tutu Uleo from Nahiku and the family. And I said what does `akala, Hale`akala, mean? And he said, well, it doesn't mean house of the sun. The mountain heralds the rising of the sun that comes from Kumukahi here on our island. So `akala is the time of the night when the stars begin to fade but before the yellow or red comes. So Hawaiians would go up the side of Haleakala, and my family, and they would see it, and when they saw the stars fade they would say, `akala, `akala, it comes.

That alignment refers to the connection between Kumukahi and Haleakala. Kumukahi is the source, the first fire, the first light, first breaking of the light on these islands.

My mother's father's family on my paternal side comes from this island. And when I go to Kukahau`ula, I always look for `akala. And the cross line of the site is Pu`ukea, which is now occupied by this big thing. And I cannot see it. And that's my paternal side.

The name is `akala nahikulani, returns—it says, and its meaning is, that the sun heralds the royal return.

For example, where I go to honor these relationships I can see from Pu`u Hau Oki that `akala, yeah? I can see Haleakala, and I can see (Pu`u) Haukea. It's not Pu`ukea, but it's still a Kea. And I would be able to see her from there. But I will not be able to from these places if the TMT is built because it will be in the way—it will be right in the middle of the views from Mauna Kea to Haleakala.

There was an article in our local paper about the largest telescope in the world proposed for Haleakala, and there was a good possibility they would build this telescope too. And now if my ancestors on Haleakala cannot see Pu`ukea, these are alignments not of the eye but of the heart... So the message is don't put your telescope up because you are getting in the way of what I see and feel. It is obstructing my relationship to my ancestors and to our divinely inspired visions.

You cannot stop the sun from rising--so a view plane is not just by sight alone (in our customary beliefs--`ike is to know and see the event, have knowledge of the event and to come to understand it existence--which in and of itself has meaning --this meaning you receive from the na`au--so the view plane begins in the na`au not just in the maka (eyes).

When the UH says the TMT will not obstruct our view planes --I am not sure I understand what they are talking about--does that mean just that my eyes--our eyes will not be covered by the domes or building? The view plane is about the open space--the view unobstructed by man-made features--like big buildings.

When we look out on the plateau where the TMT is proposing to site their project-- it is not just that it will now be blocking our eyes (depending on where we are looking from) but it will be the most dominant feature in our eyes and therefore the most dominant feature in our customary and traditional view plane. It is this view plane that we use to look and to honor the high maunas down the island chain. For me and my Ohana--that view is significant--the view of Haleakala--it is the view and the practice of honoring our ancestors, our akua residing in the high lewa. It is our way of honoring the motions of the heavens--which is also honoring the movements of the kupuna and the Akua. We can't partition our beliefs.

For comparison, the Jewish people go to the Wailing Wall--the Temple is not there but they still go to the wall---in order to recognize the Temple--you can't partition off your beliefs and your practice of this belief. Mauna Kea is the environment of our belief--just like the Wailing Wall still represents the temple, which represents the Jewish people's beliefs. And what we see from Mauna Kea, from atop there and across there--like from Pu`u to Pu`u or ahu to ahu are all a part of our beliefs. When this environment is destroyed we wail--just as the Jewish people mourn at their wailing wall--and we mourn with them because we feel their pain too. We mourn the loss of the Temple--but we don't want to have to mourn the loss of this temple known as Mauna Kea--we want to rejoice in the Creator's creation and in Akua's beauty. This is how our rights are negatively impacted because they destroy the very environment of our spirituality and beliefs, we lose the landscape which we use to perform these ceremonies of Aloha and Peace.

The telescopes are man's destruction of Creator's place--a place created for man to come to and be pili to the heavenly realm--close to Akua's beauty and Aloha.

The idea of previously disturbed--disturbance is Hehi ana-, which means to trample--trample on a covenant--a covenant is a holy agreement--sacred agreement--a religious agreement between Akua and yourself--to use that word is to say the land is being trampled upon--but here and now it mean over and over and over again! Every time --building on Mauna Kea--we feel the `Aina being trampled upon--and our covenant assaulted--Aloha `Aina is assaulted.

Such development on Mauna Kea is desecration--in Hawaiian the word for desecration is Hauna `eli--which means also to be in contempt of court . But on Mauna Kea is means to have contempt for Akua's court--Akua's law (the Kanawai) which is codified in the `Aina.

The UH is saying that the plateau is not as sacred as the summit--but this is not true--The alignments (marked by the shrines or ahu) that surround the true summit - demarcate the akua realms above--but that doesn't mean they are less sacred it means they are used for very different spiritual and religious practices. The ahu are like the other altars found within the cathedral of St. Peters of Rome--where services are conducted in different languages or by various associations--but are different from the main alters that require special protocols to ascend--yet they are all contained within the same Temple or in that case the cathedral of St. Peters of Rome.

I think in the end the problem is not with astronomy it is that astronomy is trying to do its work in our house of prayer, and in a conservation district, which is for protecting the cultural, and natural resources, the very delicate life forms that live there and where the waters that give us all life flow from. The observatories have impacted these things and this unacceptable. The TMT is going to impact the sacred nature of Mauna Kea and it simply does not meet the criteria (eight criteria) that the rules require and therefore this project should not be approved by BLNR.

The BLNR is supposed to protect all of these things including our simple ability to practice our cultural and religious practice—yet for all these years BLNR has just been turning a blind eye to Mauna Kea—to our please for help with protecting Mauna Kea. This is all in our Temple Report we presented to them in 2001. The problem is more serious because we fear it will set a negative precedent—because if they can do this to Mauna Kea and Haleakala what other Conservation Districts can they do it to? The issues surrounding Mauna Kea are policy issues and they challenge the very foundation of the land use laws in our state.

We have been asking BLNR to take a hard look for more than a decade now—so my question is this—when is enough really enough? We already won our previous case in court—that was when BLNR was supposed to re-think their responsibilities, but yet here we are again doing yet another contested case hearing—over virtually the same issues all over. This needs to stop—it is not fair to make the citizens carry all of the legal battle just to get BLNR to do what they are required by law to do.

*I've presented the preceding information contained in my written statement to this court in pursuit of justice and in furtherance of the protection, preservation and conservation of the sacred mountain, known as Mauna Kea. While I, in no way would take claim for the brilliance of my Kupuna and/or my Kumu's (ancestors and/or teachers or masters) the information shared herein is information that has been adapted to reflect my own personal knowledge and information (as is traditionally done in Hawaiian practice, when composing new songs, chants, dances etc. with traditional origins) and therefore is to be considered my intellectual property and may not be used outside of the legal system without my express written consent. I and others feel the need to include such a disclaimer because in the past our personal knowledge and information has been used without our consent.*