

1 BOARD OF NATURAL RESOURCES  
 2 STATE OF HAWAII  
 3 In Re Petitions requesting ) DLNR NO. HA-11-05  
 a Contested Case Hearing Re )  
 4 Conservation District Use ) VOLUME V  
 Permit (CDUP) HA-3568 for the )  
 5 Thirty Meter Telescope at the )  
 Mauna Kea District, Island of )  
 6 Hawaii, TMK (3) 4-4-015-009 )

7 CONTESTED CASE HEARING

8  
 9 Taken on August 25, 2011, at the State Building, 75  
 10 Aupuni Street, Conference Room C, and University of  
 11 Hawaii Hilo, College of Tropical Agriculture and  
 12 Human Resources Building, 200 W. Kawili Street,  
 13 Conference Room A, Hilo, Hawaii, commencing at 9:00  
 14 a.m. before Hearings Officer Aoki.

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 CONSERVATION  
 DISTRICTS  
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 RESOURCES  
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 2011 SEP 19 P 12:56

25 BEFORE: Jean Marie McManus, CSR #156  
 McMANUS COURT REPORTERS 808-239-6148

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4  
 1 HEARINGS OFFICER AOKI: We're on the  
 2 record. The hearing is reconvened.  
 3 I understand there's some procedural  
 4 matters to discuss before we actually start with  
 5 testimony again. So do you want to start?  
 6 MR. LUI-KWAN: Tim Lui-Kwan on behalf of  
 7 the Applicant. With me today is Ian Sandison and Jay  
 8 Handlin representing University of Hawaii Hilo  
 9 MS. TOWNSEND: Marti Townsend with KAHEA.  
 10 MS. WARD: Deborah Ward representing  
 11 myself.  
 12 MS. PISCIOTTA: Kealoha Pisciotta for Mauna  
 13 Kea Anaina Hou.  
 14 MR. CHING: Kukauakahi, Clarence Ching,  
 15 Petitioner.  
 16 MR. NEVES: Kumu Paul Neves for myself and  
 17 my halau.  
 18 MS. CASE: Aloha, I'm Pua Case. I'm  
 19 representing the Flores-Case Ohana.  
 20 MR. LUI-KWAN: The first thing I have to  
 21 take up is where we left off last week with the  
 22 so-called joint exhibits.  
 23 We've actually -- well, I think everybody  
 24 has seen the exchange in e-mails. We've actually  
 25 prepared what is formally known as state exhibits and

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1 wind all the way to Waiki'i, and the moisture of the  
2 rain in Waimea goes to Waiki'i.

3 So I'm going to end soon, but it might  
4 change and affect the weather patterns on the  
5 mountain, and I don't know how it's going to do that,  
6 I'm just saying it might. So we might want to look  
7 at that and in the surrounding areas below such as in  
8 Waimea. They wish the observatories were never  
9 there. They don't like the roads either.

10 In regards to people coming up to the  
11 mountain, it's not too bad. If they had to choose  
12 between observatories versus people coming up there,  
13 they would choose the people way over the  
14 observatories.

15 Through communication with Mo'oinanea, I  
16 know is true, she shared that the existing  
17 observatories have created obstruction and hazards  
18 for those who reside on Mauna a Wakea. I'm just  
19 going to read this from my 11 year old who talks to  
20 Mo'oinanea. Bear with me:

21 "Likewise, the proposed new observatory  
22 will adversely impact Mo'oinanea and others who dwell  
23 on the summit. Of the importance of Mauna a Wakea to  
24 her is it's her home. She was born and raised there.  
25 She wants to have children up there without any more

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1 observatories. For Poli'ahu, it has impacted her  
2 sleeping area, and it is where she and others connect  
3 with ke akua. It is so high, the point on the top,  
4 that they put their hands up to connect to the  
5 heavens. They wish to have no other observatories on  
6 the mountain, for if they continue to build, some  
7 spirits might have to move off the mountain."

8 Do you know that the spirits there are the  
9 elemental forces like dew, snow, rain, other spirits  
10 will not come up there because they have to move.  
11 What we do know is if -- what we do not know is if it  
12 will snow any more if Poli'ahu is off the mountain,  
13 and if she's able to make it snow from somewhere  
14 else.

15 My 11-year old couldn't be here today, so  
16 kaia mai. But I'm going to share that on her behalf.  
17 And I'm going to end my testimony there. And I'm  
18 going to sit back down. Thank you.

19 MR. HANDLIN: Ms. Case, thank you for your  
20 testimony, and we have no questions for you.

21 MS. TOWNSEND: So next witness will be  
22 Hawane Rios.

23 THE WITNESS: This is my daughter, Hawane  
24 Rios, 22 years old. She will be testifying next.

25

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HAWANE RIOS

1  
2 Was called as a witness by and on behalf of  
3 Flores-Case Ohana, was sworn to tell the truth, was  
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 THE WITNESS: Aloha kakou. My name is  
7 Hawane Rios, and I'm 22 years old. And I just  
8 recently graduated from University of Hawaii at Hilo  
9 with a Bachelor's degree in Hawaiian studies from Ka  
10 Haka 'Ula o Ke'elikolani - College of Hawaiian  
11 language. And I'm just going to read my testimony.  
12 Being that I made a conscious decision to  
13 learn the language in history of this land as my main  
14 course of study, I acknowledge the responsibility to  
15 address the cultural and spiritual importance of this  
16 mountain. The following statements are personal  
17 accounts of what I have seen and experienced. I grew  
18 up in the pasturelands of Waimea town with what I  
19 would argue is the most beautiful view facing Mauna  
20 Kea. Unfortunately every day I would also see white  
21 structures secured unnaturally upon the summit  
22 causing an unsettling feeling in my being even at a  
23 very young age.

24 As I grew older and strengthened my  
25 cultural an spiritual connection with Mauna Kea as a

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1 native Hawaiian woman of this land, this unsettling  
2 feeling turned into exasperation, which later turned  
3 into resentment. However, I am not here to throw my  
4 anger around because as I have witnessed in the past,  
5 that energy does not help the situation, instead it  
6 does the opposite. Moreover I am simply here to shed  
7 some native light on those who are willing to listen.

8 When I was in my junior your year at UH  
9 Hilo I learned the story of Kukahau'ula and Poliahu.  
10 In short, Kukahau'ula, a handsome and strong man,  
11 started to dream of the divine Snow Goddess of Mauna  
12 Kea bathing in her sacred Lake Waiau. Since she was  
13 the most beautiful woman he had ever seen, he decided  
14 to travel down on the sun's rays to meet with her.  
15 Before he could reach the summit, he was taken aback  
16 by the spiritual beings of the mist, Lilinoe and  
17 Lihau.

18 They brought a warning to Kukahau'ula that  
19 Poliahu was kapu or sacred and could not be seen by  
20 any man. Kukahau'ula left discouraged, but that  
21 feeling didn't last for long. He was sure that  
22 Poliahu was to be his wife.

23 Therefore, he tried again and the strong  
24 winds, rain and mist came once more and Kukahu'ula  
25 was sent away. Unbeknownst to him, Mo'oinanea, the

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1 guardian of Lake Waiau was watching him closely and  
 2 came to the conclusion the Kukahau'ula was sincere.  
 3 So she counseled with Kane, father and  
 4 keeper of Poliahu, expressing the genuine actions of  
 5 Kukahau'ula. After some debate, Kane finally changed  
 6 his mind. He proclaimed that Kukahau'ula could love  
 7 Poliahu twice a day forever, once at sunrise and once  
 8 at sunset. And so they have lived until this day.

9 I felt a deep connection to Mauna Kea when  
 10 I heard this story because it not only showcased the  
 11 brilliance of native story telling, it also gave me a  
 12 glimpse into how the native mind works. Simply, this  
 13 story could be telling of why the mountain turns the  
 14 shades of pink, orange, yellow and purple at sunrise  
 15 and sunset.

16 However, my ancestors knew and had an  
 17 unwavering connection with the ancestral akua that  
 18 are Poliahu, Kukahau'ula, Lilinoe, Mo'oinanea, and  
 19 Kane. To them the essence of the mountain truly  
 20 resided in these spiritual beings.

21 Like my ancestors, I too believe in the  
 22 divine mana or power that these akua possess which is  
 23 the same which is the same mana that Mauna Kea  
 24 houses. Upon hearing and witnessing this story for  
 25 myself, Mauna a Wakea became the main muse for my

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1 musical compositions. I have chosen to write songs  
 2 about these stories and about the sacredness of the  
 3 mountain so that my people will not forget. For so  
 4 long society has lead the native people away from the  
 5 maui, the true spirit, of this land. However change  
 6 is inevitable, things don't last forever, and I see  
 7 that who we once were is not rising again.

8 I am hereby writing this testimony in  
 9 protest of the building and construction of the  
 10 Thirty Meter Telescope on our sacred Mauna Kea.

11 This song is called Poli'ahu i ke kapu,  
 12 and it compares the elements to Poli'ahu, for I  
 13 believe that she is the mountain, like the snow  
 14 falling down, and the mountain is like her hair, and  
 15 the stars in the sky like her eyes, and the mists  
 16 coming down the pu'u are like the breath of life.  
 17 And the whole mountain in itself is her. So I would  
 18 just like to share this with all of you.

(Singing).

19 MR. HANDLIN: We have no questions for the  
 20 witness.  
 21

DIANA LaROSE

22 Called as a witness by and on behalf of the  
 23 Flores-Case Ohana, was sworn to tell the truth, was  
 24 examined and testified as follows:  
 25

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DIRECT EXAMINATION

1 THE WITNESS: My name is Diana LaRose.  
 2 Thank you for allowing me to be here and for inviting  
 3 me to be here.

4 I'm going to read my testimony and add a  
 5 few things for clarification.

6 My name is Diana LaRose. I have an  
 7 undergraduate degree in cultural studies, and a  
 8 graduate degree in psychology.

9 I am of Canadian Cree Nation ancestry and  
 10 I've been a traditional native healing practitioner  
 11 for 20 years. I am 58 years old. Since the age of  
 12 five, I have been what is termed a sensitive. That  
 13 is I can feel and communicate with animals, the  
 14 forces of nature and the earth. And this is not  
 15 only -- this ability has not only saved my life which  
 16 was documented, actually, and it has been proven over  
 17 and over true. The things that I see, I feel, I can  
 18 have had verified, and that is why I am speaking out  
 19 now.

20 I think it is important that all native  
 21 people be able to speak their truth, their  
 22 experience, and in the defense of the land and the  
 23 sacred places that they have a religious right to  
 24 worship at.

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1 So as an earth-keeper I am called to share  
 2 my experiences concerning Mauna Kea. For the past  
 3 three years I have been in ceremony in support with  
 4 the Flores-Case Ohana, and several other Hawaiian  
 5 cultural practitioners.

6 And what I have seen and heard I can give  
 7 examples that have been verified by everyone, or they  
 8 wouldn't keep me around at all. And some of that is  
 9 I have seen and I pray. I ask the creator what is  
 10 the highest good for all beings, and the earth. This  
 11 is wisdom married to knowledge. Listening to the  
 12 earth. Listening to the ancestors for survival.  
 13 That's what it is in my view.

14 In 1998 I had a powerful dream in which I  
 15 was shown a snow-topped mountain in Hawaii and was  
 16 told move here. I had never been to Hawaii, I did  
 17 not know of this mountain. One month after I moved  
 18 here, I was healed of a supposedly incurable painful  
 19 illness. I will forever be grateful for the Creator  
 20 for guiding me to this healing island and to the  
 21 Hawaiian ancestors who are very much alive and  
 22 present here.

23 I have seen them. I have seen people's  
 24 'aumakua. I have seen their lineage. I have seen  
 25 many things and experienced and felt, which are,

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