

Environment Hawai'i, Inc.
72 Kapi'olani Street
Hilo HI 96720

June 14, 2013

Cheryl Kakazu Park, Director
Office of Information Practices
No. 1 Capitol District
250 South Hotel Street, Suite 107
Honolulu HI 96813

Dear Ms. Park:

I am writing to lodge a formal complaint against the Board of Land and Natural Resources for violation of Chapter 92, Section 3. Specifically, on June 13, the Land Board held a duly noticed meeting, described as a "briefing," in which public testimony was not allowed to be given. This is contrary to the clear language of the law: "... The boards shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The boards shall also afford all interested persons an opportunity to present oral testimony on any agenda item."

Sixteen years ago, our organization sued the Board of Land and Natural Resources over just such a failure to allow public testimony at "briefings." In settlement of that litigation, the state agreed that it would discontinue this practice. Let me quote from the judgment in that case (Environment Hawai'i, Inc., and Common Cause, Hawai'i, vs. Michael D. Wilson and the Board of Land and Natural Resources, Civ. 97-2402-06):

- (1) Briefings of defendant Board of Land and Natural Resources ("BLNR") are open meetings as defined by H.R.S. § 92-3;
- (2) Public participation, as described in H.R.S. § 92-3, is required at BLNR briefings;
- (3) Defendant BLNR has violated H.R.S. § 92-3 by failing to allow public testimony at BLNR briefings;...

I cannot stress enough how seriously I regard this infraction. At the very least, the Land Board should be required to hold another briefing with the same agenda, this time allowing public testimony. In addition, it should be required to pay the out-of-pocket travel costs of all who attended the first meeting but were denied the opportunity to testify.

I look forward to hearing from you at your earliest convenience. I may be reached at the above address, by email at ptummons@gmail.com, or by phone at 808 934-0115.

Yours truly,



Patricia Tummons, Editor