



**Our Children's
Trust** [Youth v. Gov](#)



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NAVAHINE v. HAWAI'I DOT

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Case Summary

On June 1, 2022, 13 young people in Hawai'i filed *Navahine v. Hawai'i Department of Transportation* against the Governor, Hawai'i Department of Transportation (HDOT) and the State of Hawai'i.

The youth plaintiffs asserted that HDOT's operation of a transportation system that exacerbates greenhouse gas (GHG) emissions violated their state constitutional rights to a clean and healthful environment and the state's public trust doctrine, causing them significant harm and impacting their ability to "live healthful lives in Hawai'i now and into the future." The youth sought to hold HDOT accountable to meeting the state legislature's goal, enacted in 2018 and supported by best available science, to decarbonize Hawai'i's economy, including transportation, and achieve zero emissions by 2045.

The young plaintiffs, who are from the islands of Hawai'i, O'ahu, Moloka'i, Kaua'i, and Maui, are already experiencing a variety of climate harms, including an increase in extreme weather events that cause flooding, wildfires, and drought; loss of and damage to coral reefs, traditional fishponds, and native species; increasing barriers to growing traditional foods and native plants; and other threats to their health, culture, and personal security as children of Hawai'i - *keiki o ka 'āina*.

On June 20, 2024, after two years of litigation including the Court's denial of the defendants' motion to dismiss, depositions of 37 witnesses, and the exchange of over 600,000 pages of documents, [an historic settlement agreement was reached](#) between all parties.

The youth plaintiffs are represented by Andrea Rodgers, Phil Gregory, Joanna Zeigler & Julia Olson with [Our Children's Trust](#) and Isaac Moriwake, Leinā'ala L. Ley, and Kylie Wager Cruz of [Earthjustice](#).



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Case Settlement:

The [Settlement Agreement](#) in *Navahine v. Hawai'i Department of Transportation* recognizes that youth do have constitutional rights to a livable climate. In the Agreement, defendants have agreed to take all actions necessary to achieve zero emissions no later than 2045 for ground transportation, sea, and interisland air transportation, including:

Establishing a Greenhouse Gas Reduction Plan within one year of the Agreement, laying the foundation and roadmap to fully decarbonize Hawai'i's transportation system within the next 20 years, and offering a replicable model for transportation systems around the world.

Reforming the Department of Transportation's infrastructure budgeting and programming process to prioritize the decarbonization of transportation.

Creating a new leadership unit at HDOT that will be responsible for ensuring new policies are implemented, and benchmarks and targets are met in the time required to meet greenhouse gas emission reduction goals.

Providing youth with a seat at the table, requiring HDOT to keep *Navahine* plaintiffs informed, providing them with opportunities to provide feedback and input into shaping policies, and establishing a volunteer youth council to advise on HDOT's commitments in the years to come.

The state has committed to reducing greenhouse gas emission from its statewide transportation system according to "the best available science," which requires reducing atmospheric CO₂ levels to no more than 350 ppm by the end of the century. Moreover, HDOT is required to take any actions necessary to achieve the goals established, specifically, zero greenhouse gas emissions across all transportation modes within the State. This includes ground, and interisland sea and air transportation.

HDOT will work with other state and local agencies to develop and implement a concrete and comprehensive statewide plan (GHG Reduction Plan). Youth Plaintiffs and the public will be regularly brought into the planning process to provide feedback and insight. This reduction plan will set five interim GHG emissions reduction targets into the transportation sector through 2045, for the years 2030, 2035, and 2040. These specific benchmarks and performance metrics will include measures such as interim targets to reduce vehicle miles travelled, reduce reliance on single occupancy vehicles, expand multimodal transportation options like public transit, electrify transportation and support expansion of the public charging infrastructure, and reduce petroleum use from ground transportation.



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Additionally, HDOT will create a Volunteer Youth Council with two seats reserved for youth plaintiffs to ensure that the voices of youth will influence the decarbonization plan.

Abridged Navahine v. Hawai'i Department of Transportation Timeline:

A full timeline of events in this case can be found [here](#).

June 1, 2022: 13 youth plaintiffs initiate lawsuit against Hawai'i Department of Transportation (HDOT), HDOT Director Jade Butay, Governor David Ige, and the State of Hawai'i.

January 26, 2023: Oral arguments on the State's motion to dismiss are held before Judge Jeffrey P. Crabtree at the Environmental Court of the First Circuit in Honolulu.

April 6, 2023: Judge Crabtree ruled in favor of the 13 youth plaintiffs, denying the State's attempt to prevent their case from proceeding to trial.

May 25, 2023: Oral arguments on the youth's motion to maintain September 2023 trial date are held.

August 3, 2023: Trials dates set by Judge Tonaki for June 24 to July 12, 2024. Parties proceed to engage in an extensive discovery process, including over 25 depositions and the production of extensive documents.

June 20, 2024: [Settlement](#) between youth plaintiffs and defendants reached!

Frequently Asked Questions:

Q: Was this case about the state's *lack of action or inadequate response* to the climate crisis?

A: No. *Navahine v. Hawai'i Department of Transportation* is about the government's *affirmative* actions -- things the government is already doing-- to cause and worsen the climate crisis in Hawai'i, harming the youth plaintiffs and violating their state constitutional rights. Specifically, the State plans for, funds, and operates a state transportation system that exacerbates GHG emissions.

Q: What remedies were the youth plaintiffs seeking in their lawsuit?

A: The youth plaintiffs were seeking a judicial declaration that HDOT's actions and omissions are inconsistent with the state constitution and state laws mandating that greenhouse gas emissions be reduced to below zero. With this declaration and direction from the court, HDOT's



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future decisions would need to be aligned with the best available science and the state's goal to achieve a Zero Emissions Economy by 2045.

Q: How does the settlement agreement hold HDOT accountable for reducing carbon emissions and mitigating climate impacts?

A: In the Settlement Agreement, defendants have agreed to take all actions necessary to achieve Zero Emissions no later than 2045 for ground transportation, sea, and interisland air transportation. They have agreed to establish a Greenhouse Gas Reduction Plan within one year of the Agreement, laying the foundation and roadmap to fully decarbonize Hawai'i's transportation system within the next 20 years. The Agreement requires the state to achieve its greenhouse gas emission reduction goals on a timeline required by law, and it requires the development of a comprehensive and concrete plan that includes very specific objectives, metrics, and actions that will be implemented to do so.

Q: How will you ensure that the state and HDOT are following the agreements in the settlement?

A: The Court has agreed to accept continuing oversight over the agreement for the next 21 years to ensure that HDOT effectively decarbonizes according to the settlement agreement by 2045. If plaintiffs and their attorneys feel that the agreement is not being carried out, they can invoke the alternative dispute resolution provisions, or potentially seek the court's assistance to enforce the terms of the agreement.

Q: How will this settlement influence climate litigation?

A: The Settlement Agreement in *Navahine v. Hawai'i Department of Transportation* represents transformative change toward the recognition of young peoples' constitutional rights to a safe, and livable climate. Hawai'i has created the first judicially enforceable roadmap to fully decarbonize a transportation system. It will offer a model for states and countries to follow around the world. It also demonstrates that there is a clear role for the court in protecting the fundamental rights of youth and resolving the climate crisis.

Q: Does Our Children's Trust or Earthjustice charge the youth plaintiffs in this case for legal services?

A: No. The attorneys at Earthjustice and Our Children's Trust are providing expert legal representation and support to these young plaintiffs all at no cost to them or their families. The youth plaintiffs and their attorneys are also not asking for any fees or costs from the State under the settlement agreement.



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Quotes from Attorneys & Plaintiffs:

"The thirteen youth Plaintiffs in *Navahine v. Hawai'i Department of Transportation* have just achieved the first Settlement Agreement in a constitutional climate case, paving the way for systemic decarbonization of transportation. First-of-its-kind in the world, it represents a paradigm shift to government working for youth, not against them. One of the most intractable barriers to addressing the climate crisis – transportation – is now being addressed head-on and the Agreement offers a holistic roadmap for states and countries to follow around the world." - Andrea Rodgers, Deputy Director, U.S. Strategy, Our Children's Trust

"Our courts are essential guardians of children's constitutional rights and empowered to protect the planet, but they rely on our collective engagement. *Navahine* youth plaintiffs activated the courts and inspired true democracy in action—all three branches of government committing to work together to do what needs to be done according to best available science, to safeguard their futures. Young people across the country and around the world will follow in their footsteps, carrying the same values of care, defense, and love of the land to action." - Julia Olson, Chief Legal Counsel & Co-Executive Director, Our Children's Trust

"Hawai'i's young people raised their voices to protect our future here in the islands, and their voices were heard. Today's settlement shows that the State and HDOT are committed to transformative action to reduce our transportation emissions before it's too late. This new partnership puts climate action in the fast lane towards a more just and equitable future." - Leinā'ala Ley, Senior Associate Attorney, Earthjustice Mid-Pacific Office

"The historic resolution of the *Navahine* case came down to the spirit of leadership and partnership modeled by HDOT Director Ed Sniffen. Hawai'i has often led the way in setting goals, but this agreement gets us moving on real action. All journeys begin with a step, and we're taking a huge one here for the moonshot mission of our generation." – Isaac Moriwake, Managing Attorney, Earthjustice Mid-Pacific Office

"I am so proud of all the hard work to get us to this historic moment. We got what we came for and we got it faster than we expected. *Mai kuhihewa* the power of young people to make a difference for their futures." -Navahine, Youth Plaintiff

"I hope that young people all over the world see the announcement today and take action in their own kaiaulu, each of their communities, to ensure everyone's fundamental right to a safe and livable climate. Sometimes it can feel impossible because stopping the climate crisis means changing everything about the way we do things now. But our Kupuna taught us 'A'ohe hana nui ke alu 'ia... No task is too big when done together. We can do this!" -Kaliko, Youth Plaintiff

"It's good to see that there is a change in how the government will operate, how they will start to listen to problems harming us and future generations. Now we know that they'll listen to us.



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Hopefully in the next few decades we can see the positive effects of this case.” -Ka’onohi, Youth Plaintiff

“I am very happy that the Transportation Department is committed to doing all that we have asked of them. I hope the State upholds its responsibilities and other governments can follow our lead.” - Kawena, Youth Plaintiff

“Thirteen Hawai’i youth were given powerful and effective voices to represent their peers, the people of Hawai’i, and the next seven generations. We are filled with happiness that our voices have been heard and we will see real life, big changes on these islands. Our hope is that this humble work will continue the ripple of change in the rest world as we all come to realize that clean air and a healthful environment is an inherent right.” - Mesina, Youth Plaintiff

“We are making a huge impact with this lawsuit and this settlement. And to do that as youth, it is so amazing. I am glad we are at this stage because now we can really get to work on stopping carbon emissions. And this youth council is a great opportunity to jump in.” -Rylee Brooke, Youth Plaintiff

“I’m so excited for the outcome of this case and what it means to our future generations. Often times youth like myself are overlooked and not taken seriously. This case allowed the plaintiffs like myself to be heard, along with all of the keiki of our pai ‘āina. We made our government listen to our concerns and by doing so we created a plan for a better future. I look forward to the future and what our case does to protect it!” -Taliya, Youth Plaintiff

Images:

Videos and photos may be published if credited properly. For access to images and videos of the plaintiffs please visit our Google Drive [here](#).



Image Description: Named plaintiff, Navahine, with Governor Josh Green at a joint press conference announcing the historic settlement.



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Joint Fact Sheet

(Prepared in collaboration with the Governor's Office and HDOT)

THE NAVAHINE SETTLEMENT AGREEMENT KEY TAKEAWAYS

The court recorded settlement agreement is posted to:

https://governor.hawaii.gov/wp-content/uploads/2024/06/1cc-Navahine-495-Joint-Stip-Order-re-Settlement_-Exb-A-1.pdf

- On June 20, 2024, the State of Hawai'i, Our Children's Trust, Earthjustice, and youth representatives came together to announce a settlement agreement that acknowledges the right to a life-sustaining climate for all of Hawai'i's residents, and confirms the commitment of the Hawai'i Department of Transportation (HDOT) to plan and implement transformative changes in Hawai'i's transportation system to help save our climate.
- Under the settlement agreement, Hawai'i expands its leadership role in the race to halt climate change and provides a model for decarbonizing transportation systems around the U.S. and the world.
- *Navahine F., et al. v. Hawai'i Department of Transportation, et. al.* was filed on June 1, 2022, by 13 youth from across the Hawaiian Islands to address climate pollution from the transportation system and the state's responsibility in decarbonizing that sector.
- Many of the *Navahine* plaintiffs are Native Hawaiian youth who have experienced climate disasters such as the 2023 Maui Fire and the 2018 Kaua'i Flood, caused by a rain event that set a new national 24-hour precipitation total.
- *Navahine* is also the first youth-led climate case to be resolved by a mutual settlement agreement. This settlement is unparalleled in its nature, scope, and duration, providing a roadmap for the next 20 years of climate action on transportation by the State of Hawai'i.

HDOT has committed to work with the youth plaintiffs to negotiate a resolution and embrace the government's kuleana (responsibility) to lead the way on bold and broad climate action, including a new comprehensive plan to reduce carbon emissions issued within one year, a new staff unit to oversee implementation of the plan, and immediate investments in Complete Streets, public transportation, multimodal travel paths, and electric vehicle charging.



The State of Hawai'i, in partnership with youth in Hawai'i, are united toward providing a healthy, livable climate for our children today and all future generations.