



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS, Director

before the
HOUSE COMMITTEE ON HOUSING
Friday, February 13, 2026, 9:00 AM
State Capitol, Conference Room 430

in consideration of
HB 1979, HD 1
RELATING TO ENVIRONMENTAL REVIEW

Chair Evslin, Vice Chair Miyake and Members of the House Committee on Housing:

The Office of Planning and Sustainable Development (OPSD) offers the following **comments** on HB 1979 HD 1, which amends HRS Section 343-7.

HB 1979 HD 1 shortens the period to initiate certain judicial proceedings involving environmental assessments (EAs) and environmental impact statements (EISs) for actions that propose the use of land for, or construction of, affordable housing or clean energy projects. The bill also establishes that appeals from a decision of the environmental court that involves an action that proposes the use of land for, or construction of, affordable housing or clean energy projects shall constitute a case involving a question of imperative or fundamental public importance for purposes of transferring the case to the supreme court. The bill further prohibits any court from awarding attorneys' fees in these judicial proceedings.

OPSD supports Governor Green's priority goal of increasing housing for local residents. Shortening the window for filing a judicial challenge to an agency determination will reduce uncertainty and risk for a developer of affordable housing. OPSD notes that this bill is narrowly constructed to align with the important goals of providing affordable housing and clean energy.

Thank you for the opportunity to testify on this measure.



**HAWAII COMMUNITY
DEVELOPMENT AUTHORITY**

547 Queen Street, Honolulu, Hawaii 96813
Telephone: (808) 594-0300 Fax: (808) 587-0299
Web site: <http://dbedt.hawaii.gov/hcda/>

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

STERLING HIGA
CHAIRPERSON

CRAIG K. NAKAMOTO
EXECUTIVE DIRECTOR

Statement of
CRAIG K. NAKAMOTO
Executive Director
Hawai'i Community Development Authority
before the
COMMITTEE ON HOUSING

Friday, February 13, 2026
9:00 a.m.
State Capitol, Conference Room 430 & Videoconference

In consideration of
HB 1979, HD1
RELATING TO ENVIRONMENTAL REVIEW.

Chairperson Evslin, Vice Chairperson Miyake, and Members of the Committee:

The Hawai'i Community Development Authority (HCDA) **offers comments** for the Committee's consideration. This testimony is being submitted by the HCDA because the HCDA is developing affordable housing projects within its Kaka'ako Community Development District and is also responsible for developing transit-oriented development infrastructure pursuant to Chapter 206E, Part X, *Hawaii Revised Statutes*.

HCDA offers the following comments:

1. **Defer to the Office of Planning and Sustainable Development ("OPSD").** HCDA defers to OPSD and the testimony of Mary Alice Evans, Director, on the substantive changes to Section 343, HRS; and
2. **Amend the Definition of "Affordable Housing Project".** An affordable housing project could include programmed space for ancillary uses that complement and support the primary housing use, such as a convenience retail store or other commercial uses. In addition, the construction of an affordable housing project could necessitate the construction of on- or off-site infrastructure, such as road improvements or utilities. HCDA, therefore, recommends clarifying the definition of "affordable housing project" as follows:

- a. On page 4, line ,13 delete the entire text on line 13 and replace it with:
“Affordable housing project” means a housing project, including other ancillary on-site mixed-uses and any necessary on- and/or off-site infrastructure.”

Thank you for the opportunity to provide comments.



BOARD OF DIRECTORS

Diane Harding
President

Maureen Murphy
Vice President

Denise Soderholm
Treasurer

Whitney Bosel
Secretary

Cheryl Langton
Branch Representative

Beverley Brand
Advisor

Joan Gossett
Advisor

Jonathan Sudler
Advisor

Directors:

Tyler Dang

Brenda Lam

Jack O'Neill

BRANCHES

Hawai'i

East Hawai'i

Kona

Waikoloa Village

Waimea

Kaua'i

O'ahu

East Honolulu

Lani-Kailua

Mānoa

North Shore

Greater Waikiki

STAFF

Winston Welch
Executive Director

Jacqueline Wah
Operations Director

Myles Ritchie, PhD
Programs Director

Keeping Hawai'i clean,
green and beautiful
since 1912

February 10, 2026

RE: **Opposing HB1979 HD1 (2026) as Drafted**; Supporting Targeted Amendments Relating to Environmental Review

Dear Chair, Vice Chair, and Members of the Committee:

Thank you for considering testimony on HB1979 HD1 on behalf of The Outdoor Circle, a statewide, non-profit organization founded in 1912 and dedicated to protecting Hawai'i's natural beauty, scenic resources, and environmental quality for the benefit of present and future generations.

The Outdoor Circle recognizes and supports goals of affordable housing and expanding clean energy infrastructure in Hawai'i. These are essential priorities, and delays caused by inefficiency, uncertainty, or lack of coordination should be addressed.

However, as currently drafted, HB1979 HD1 does not simply streamline environmental review. Its combined procedural changes continue to reduce public oversight and judicial accountability under Chapter 343, in ways that are neither necessary to achieve the bill's stated goals nor advisable from a long-term policy perspective. Therefore we oppose this HB1979 HD1 in its current form and offer some suggested amendments to address these concerns.

Cumulative Impact on Oversight and Accountability

Although amended, HB1979 HD1 still shortens the statute of limitations for certain environmental review challenges to thirty days for affordable housing and clean energy projects, prioritizes transfer to the Supreme Court on appeal from the environmental court in ways that may increase litigation costs and reduce practical access to judicial review for community-based parties, and applies these constraints to broadly defined categories of development. *HD1 further weakens public-interest enforcement by eliminating attorneys' fees across all courts in these covered proceedings, effectively shifting enforcement capacity away from the public and toward only those parties with substantial financial resources.*

Individually, each of these changes would meaningfully limit public participation and enforcement. Taken together, they significantly constrain the ability of communities, nonprofit organizations, and the public to ensure that environmental review requirements are followed as intended by law.

Environmental review under Chapter 343 is not a discretionary hurdle; it is a core accountability mechanism designed to ensure agencies take a hard look at environmental impacts before decisions are finalized and irreversible actions occur. Reducing access to review does not improve compliance—it reduces the likelihood that noncompliance will be identified and corrected.

1314 S. King Street #306 | Honolulu, Hawai'i 96814

T: 808-593-0300 | mail@outdoorcircle.org | www.outdoorcircle.org

Practical Consequences

In practice, HB1979 HD1 would:

- Require communities to identify and respond to deficiencies in complex environmental determinations within an impractically short timeframe, even when documents are technical, voluminous, or released with minimal notice;
- Disproportionately burden neighborhood groups, Native Hawaiian organizations, and public-interest nonprofits that lack ready access to specialized appellate or Supreme Court-experienced counsel or the resources to litigate without the possibility of recovering attorneys' fees;
- Increase the risk that inadequate environmental determinations go uncorrected, including failures to properly assess impacts to water resources, cultural sites, traffic systems, or public trust lands; and
- Create incentives for minimal or rushed compliance, rather than careful, defensible environmental analysis.

These outcomes do not advance housing or clean energy goals. Instead, they undermine public involvement and confidence, increase the risk of later conflict, and may ultimately delay projects through heightened opposition from perceived rushed or inadequate assessments.

Expediting judicial timelines does not accelerate project construction; it primarily compresses the window for lawful review. Most housing and clean energy projects already proceed without judicial challenge; structural changes to judicial review should therefore be calibrated carefully to avoid unintended consequences.

A Better Path Forward

The Outdoor Circle supports the proposed amendments (See Attachment A) submitted alongside this testimony. These amendments preserve the Legislature's goal of expediting critical projects while restoring balance by:

- providing realistic timelines tied to actual public notice,
- maintaining access to circuit courts and factual record development,
- allowing courts to award reasonable attorneys' fees in actions enforcing Chapter 343,
- preserving long-standing public-interest standing, and
- clarifying that agency obligations under Chapter 343 are not diminished.

Importantly, these amendments do not weaken environmental review—they strengthen project certainty by reinforcing lawful, transparent decision-making.

Hawai'i does not face a choice between building housing, advancing clean energy, and maintaining environmental accountability. We can—and must—do all three. For these reasons, The Outdoor Circle respectfully opposes HB1979 HD1 as drafted, but urges the Committee to adopt the proposed amendments and move forward with a bill that accelerates development without sacrificing transparency, public participation, or the integrity of Hawai'i's environmental review process.

Thank you for your consideration of this testimony.



Winston Welch, Executive Director

Attachment A

Suggested Amendments to HB1979 HD1 (2026): Rationale and Policy Basis

The following amendments are offered to ensure that HB1979 HD1 is able to advance affordable housing and clean energy goals without unintentionally weakening Hawai'i's environmental review framework or limiting meaningful public oversight. These recommendations focus on preserving enforceability, fairness, and legal defensibility. The following points explain why each suggested amendment matters in practice and what is at risk if it is not adopted.

1. Allow Courts to Award Attorneys' Fees

What the amendment does:

Restores the court's discretion to award reasonable attorneys' fees and costs to prevailing parties in actions enforcing Chapter 343.

Why this matters:

Environmental review laws rely on public enforcement. Unlike private disputes, Chapter 343 cases are typically brought to ensure lawful agency decision-making, not to obtain damages. Without the possibility of recovering attorneys' fees, only parties with substantial financial resources can realistically bring these cases.

Hawai'i courts already:

- limit fees to what is reasonable,
- deny fees in frivolous or marginal cases, and
- exercise broad discretion.

Eliminating fees does little to deter frivolous litigation but significantly constrains legitimate public-interest enforcement. This amendment simply preserves existing judicial tools and the status quo.

What breaks without it:

Chapter 343 becomes functionally unenforceable by the public, particularly for community groups and nonprofits. Oversight shifts almost entirely to agencies and project proponents.

2. Preserve Access to Circuit Courts, which includes the Environmental Court

What the amendment does:

Allows challenges to be filed in circuit court, with the option for expedited Supreme Court review.

Why this matters:

Circuit courts are where factual records are developed. They are more accessible, less costly, and designed to handle evidentiary disputes. Supreme Court-only jurisdiction:

- raises costs dramatically,
- eliminates fact-finding,
- and limits access to specialized counsel.

Direct appellate elevation should remain the exception, not the default.

What breaks without it:

Judicial review becomes impractical for most of the public, and courts lose the factual foundation needed for sound decisions.

3. Tie Filing Deadlines to Actual Public Notice**What the amendment does:**

Clarifies that the statute of limitations begins only once final environmental determinations and supporting documents are publicly available.

Why this matters:

A shortened filing deadline is only fair if the public actually has access to the relevant information. Without this clarification, agencies could effectively start the clock before documents are reasonably discoverable.

This amendment does not extend deadlines arbitrarily; it aligns them with transparency and due process.

What breaks without it:

The public can lose its right to challenge agency action before it even knows a decision has been made.

4. Lengthen the Filing Deadline (Important, but Negotiable)**What the amendment does:**

Replaces the proposed 30-day filing period with a more workable 90-day period.

Why this matters:

Environmental determinations are often technical, lengthy, and released without clear notice. Thirty days is insufficient for communities to:

- locate documents,
- consult experts or counsel,
- and make informed decisions.

A longer window reduces rushed litigation and improves case quality.

What happens if compromised:

A shorter period (e.g., 60 days) may be acceptable **only if** notice, venue, and fee provisions are preserved.

5. Preserve Public-Interest Standing

What the amendment does:

Clarifies that HB1979 HD1 does not narrow who has standing to enforce Chapter 343.

Why this matters:

Hawai'i has a long tradition of broad public-interest standing in environmental cases. While HB1979 HD1 does not explicitly narrow standing, its combined restrictions could invite arguments that only directly affected parties may sue. This language prevents unintended erosion through interpretation.

6. Preserve Judicial Authority to Order Corrective Action

What the amendment does:

Confirms that courts retain authority to order corrective action where environmental review was improperly bypassed.

Why this matters:

Expedited timelines should not be read as limiting courts' equitable powers. This amendment ensures that agencies remain accountable even when timelines are shortened.

7. Narrow the Definition of "Clean Energy Project"

What the amendment does:

Prevents expedited treatment from applying to projects with significant land use, shoreline, or public trust impacts unless environmental review is completed.

Why this matters:

"Clean energy" can encompass projects with substantial environmental and cultural impacts. Narrowing the definition avoids misuse of expedited procedures and reduces conflict.

Political reality:

This provision may warrant serious consideration.



To: The House Committee on Housing (HSG)
From: Sherry Pollack, 350Hawaii.org
Date: Friday, February 13, 2026, 9am

In opposition to HB1979 HD1

Aloha Chair Evslin, Vice Chair Miyake, and Housing Committee members,

I am Co-Founder of the Hawaii chapter of 350.org, the largest international organization dedicated to fighting climate change. 350Hawaii.org **opposes HB1979 HD1**. HB1979 HD1 would shorten the period for certain judicial proceedings involving environmental assessments and environmental impact statements on actions that propose the use of land for, or construction of, affordable housing or clean energy projects. In addition, this measure specifies that appeals from environmental courts that involve actions that propose the use of land for, or construction of, affordable housing or clean energy projects meet one of the grounds for transfer to the Supreme Court, and prohibits any court from awarding attorneys' fees in these judicial proceedings.

We appreciate that the HD1 amendments to this measure attempted to address some of the concerns raised in the previous hearing. However, despite these amendments, HB1979 HD1 may still result in unintended negative impacts to the protection of our natural resources.

This measure, as written, still favors well-funded developers and makes it harder for impacted residents to hold decision-makers accountable. In particular, stipulating that “No court shall award attorneys’ fees in a judicial proceeding initiated pursuant to this section that involves an action that proposes the use of land for, or construction of, an affordable housing project or clean energy project” discourages legitimate legal challenges and essentially is ensuring only the affluent can participate.

Bottom line, today’s decisions should consider the environmental and social impacts on future generations, and promote sustainable, long-term stewardship. While transitioning rapidly to clean energy and providing affordable housing are both critical to meet the needs of our Hawaii residents and address the Climate Crisis, **we can and should do so in a way that is sustainable, ensuring ecological protection is not sidelined.**

If passed, this measure would likely result in serious negative consequences. **A better solution would be to properly resource the regulatory agencies so they stop taking shortcuts and**

prevent controversies from arising in the first place. Forcing people to take sides between the environment we cherish and the climate we hope to protect is not only counterproductive, it's not necessary.

We urge the Committee to **HOLD** this measure.

Mahalo for the opportunity to testify.

Sherry Pollack
Co-Founder, 350Hawaii.org



Testimony Before the House Committee on Housing

By Beth Amaro
Member Services and Communications Manager
Kaua'i Island Utility Cooperative
4463 Pahe'e Street, Suite 1, Līhu'e, Hawai'i, 96766-2000

Friday, February 13, 2026; 9:00 am
Conference Room #430 & Videoconference

House Bill No. 1979, House Draft 1 - RELATING TO ENVIRONMENTAL REVIEW

To the Honorable Chair Luke A. Evslin, Vice Chair Tyson K. Miyake, and Members of the Committee:

Kaua'i Island Utility Cooperative (KIUC) is a not-for-profit utility providing electrical service to more than 34,000 commercial and residential members.

KIUC supports this measure.

This bill seeks to amend section 343-7, Hawai'i Revised Statutes, to provide clearer and more predictable timelines for judicial review of environmental determinations involving clean energy projects.

Over the past 10 years, KIUC has significantly increased its renewable generation. In 2010, KIUC's energy mix included 10% renewable. Renewable production now stands at roughly 50%. For the past five years, KIUC has operated the Kaua'i electric grid at 100% renewable for thousands of hours on sunny days. KIUC's renewable mix currently includes biomass, hydropower, utility-scale solar, utility-scale paired with battery energy storage systems, and distributed (rooftop) solar. We believe this bill supports Hawai'i's clean energy objectives while maintaining the essential environmental protections of Chapter 343.

Supporting Timely Development of Clean Energy Resources

Hawai'i's statutory clean energy goals require the continued development of renewable energy projects which involve significant capital investment and long-term planning. This measure improves predictability by establishing defined and expedited timeframes for legal challenges related to environmental review for clean energy projects. Clear timelines are critical for utilities to plan generation resources, coordinate grid upgrades, and manage costs that ultimately affect ratepayers.

Maintaining Environmental Review While Reducing Unnecessary Delay

This bill does not diminish environmental review requirements or limit public participation. Environmental assessments and environmental impact statements remain subject to notice, comment, agency review, and judicial oversight.

Instead, the measure promotes procedural efficiency by requiring that challenges be brought within a reasonable and clearly defined period. This helps avoid prolonged uncertainty that can delay projects after environmental review is complete, increasing costs without providing additional environmental benefit.

Benefits to Ratepayers and Grid Reliability

Delays in clean energy development can result in higher project costs, missed funding opportunities, and continued reliance on imported fossil fuels. Streamlining the timing and forum for judicial review helps reduce these risks and supports the timely deployment of renewable resources that enhance long-term affordability, energy security, and grid reliability for Hawai'i's communities.

We encourage you to support this measure.



HOUSE COMMITTEE ON HOUSING
Representative Luke A. Evslin, Chair
Representative Tyson K. Miyake, Vice-Chair

TESTIMONY REGARDING HOUSE BILL 1979 HD1

Tuesday, February 13, 2026, 9:00 a.m.
Conference Room 430 & Videoconference
State Capitol
415 South Beretania Street

Aloha Chair Evslin, Vice-Chair Miyake, and Committee Members:

Based on our decades of familiarity and experience with Hawai'i Revised Statutes chapter 343, also known as the Hawai'i Environmental Policy Act or HEPA, Earthjustice expresses concerns about HB 1979 HD1. While we support genuine affordable housing projects and have an extensive track record of promoting clean energy projects and representing clean energy industry interests, we do not believe HB 1979 HD1's proposed amendments offer effective and meaningful benefits for such projects.

Reducing the statute of limitations for HEPA challenges across the board to only 30 days—even when, for example, a project disregards HEPA compliance and fails to do even the first step of an environmental assessment—does not save much time in the overall scheme and is not fair to the public and communities who may not have been properly informed because of deficient compliance. Indeed, it may perversely result in more litigation and delay by forcing communities to preemptively file rushed lawsuits just to preserve their rights.

In contrast, providing that HEPA appeals shall be transferred directly from the environmental court to the supreme court may reduce the time of an appeal, depending on the situation. We defer to the judiciary as to whether it believes this arrangement is advisable.

Prohibiting the award of attorneys' fees, however, is unnecessarily punitive. In cases where the court awards attorneys' fees, it is because it has determined that the defendant has violated the law. Prohibiting such awards will not effectively dissuade challenges, but it will unduly penalize those who have legitimate and successful claims.

If the legislature is looking for ways to facilitate preferred projects, it should consider measures that appreciably save time and constructively promote efficiencies. In the HEPA context, the categorical exemption for affordable housing projects that was adopted in the HEPA regulation is one already existing example. *See* Hawai'i Administrative Rules § 11-200.1-

House Committee on Housing

February 13, 2026

Page 2

15(c)(10). In general, it does not appear that the HEPA law and process is a priority concern for these projects that would warrant the law being singled out for such changes.

Mahalo for the opportunity to testify. Please do not hesitate to contact us with any questions or for further information.

Isaac H. Moriwake, Esq.
Managing Attorney
Earthjustice, Mid-Pacific Office



AVALON
DEVELOPMENT

Queen's Court
800 Bethel Street, Suite 501
Honolulu HI 96813

Phone 808.587.7770
Fax 808.587.7769
www.avalonhi.com

WRITTEN TESTIMONY

IN STRONG SUPPORT OF H.B. 1979, H.D. 1

Aloha Chair, Vice Chair, and Members of the Committee:

Avalon Development Company LLC submits this testimony in strong support of H.B. 1979, H.D.1, which amends Hawai'i Revised Statutes §343-7 to shorten the timeframes for judicial challenges related to environmental review for affordable housing and clean energy projects. This bill addresses a persistent and well-understood problem in Hawai'i's permitting environment: environmental litigation is frequently used not to remedy legitimate environmental deficiencies, but to delay or stop projects from moving forward altogether.

In many cases, opponents of housing or infrastructure projects are not primarily concerned with the adequacy of environmental review. Rather, they oppose the project itself and recognize that challenges to environmental assessments or environmental impact statements are among the most effective procedural tools available to delay or prevent development, regardless of whether those challenges ultimately succeed. Even after agencies have completed environmental review and made formal determinations, lawsuits may be filed months or years later, imposing significant delay and cost. In many instances, these lawsuits achieve their true objective—stopping the project—without ever prevailing on the merits.

H.B. 1979, H.D. 1 directly responds to this reality by requiring that challenges to environmental determinations be brought promptly. The bill does not eliminate environmental review, weaken Chapter 343, or limit public participation. Agencies must still conduct environmental assessments, prepare environmental impact statements when required, and comply with all applicable environmental laws. What the bill does is place reasonable limits on open-ended litigation timelines so that environmental review cannot be misused as a strategy of delay.

Affordable housing and clean energy projects are particularly vulnerable to prolonged litigation. These projects often rely on complex financing structures, public approvals, and limited funding windows. When litigation drags on, projects frequently become financially infeasible and are abandoned—not because of environmental harm, but because delay itself makes the project impossible to deliver. If Hawai'i is serious about increasing housing supply and advancing clean energy goals, the State must address procedural mechanisms that allow projects to be stalled indefinitely after environmental review has been completed.



AVALON
DEVELOPMENT

Queen's Court
800 Bethel Street, Suite 501
Honolulu HI 96813

Phone 808.587.7770
Fax 808.587.7769
www.avalonhi.com

H.B. 1979, H.D. 1 represents a targeted and necessary reform that preserves environmental protections while discouraging litigation tactics intended to block lawful development. By requiring timely judicial challenges, the bill promotes fairness, certainty, and the ability to deliver housing and clean energy projects that serve the public interest.

Avalon Development Company LLC respectfully urges the Committee to pass H.B. 1979, H.D. 1.

Mahalo for the opportunity to submit testimony.

Respectfully submitted,

Avalon Development Company LLC

HB-1979-HD-1

Submitted on: 2/11/2026 8:07:31 AM

Testimony for HSG on 2/13/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Alice Kim	Individual	Support	Written Testimony Only

Comments:

The state should facilitate affordable housing and energy project development for the betterment of Hawaii.

HB-1979-HD-1

Submitted on: 2/12/2026 5:59:53 PM

Testimony for HSG on 2/13/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kanoeuluwehianuhea Case	Na Wai Ho’ola Nui La’au Lapa’au Foundation & Truth for the People	Oppose	Written Testimony Only

Comments:

Bill Number: HB1979 HD1

Position: STRONG OPPOSITION

RE: RELATING TO ENVIRONMENTAL REVIEW

Aloha Chair and Members of the Housing Committee,

Rep. Elle Cochran Rep. Trish La Chica
 Rep. Tina Nakada Grandinetti Rep. Christopher L. Muraoka
 Rep. Darius K. Kila Rep. Elijah Pierick
 Rep. Lisa Kitagawa

Aloha Chair and Members of the Committee:

My name is Kanoeuluwehianuhea Case, Co-founder of Na Wai Ho’ola Nui La’au Lapa’au Foundation along with Kuha’o Kawaauhau-Case, in collaboration with Keaukaha Action Network and Truth For the People grassroots initiative standing in protection of Aloha ‘Āina to protect our "Natural resources" otherwise known to Kanaka as our Na Akua, elemental beings from invasive developments such as geothermal in the name of "Renewable Energy". 'O Mauna A Wakea no ku’u Mauna, ‘O Waimea Moku ‘O Keawe mai au.

I submit this testimony in strong opposition to HB1979 HD1, which proposes to shorten the time period for judicial challenges to Environmental Assessments (EA) and Environmental Impact Statements (EIS) for projects labeled as “affordable housing” or “clean energy,” and to restrict access to meaningful judicial remedies by forcing cases directly to the Supreme Court while prohibiting the award of attorneys’ fees.

Environmental review is not a bureaucratic hurdle — it is a public trust safeguard. It is one of the only formal processes that ensures transparency, cultural impact analysis, and protection of Hawai‘i’s finite land and resources before irreversible harm is done. Weakening this process by shortening timelines and limiting access to the courts undermines both community participation and informed decision-making.

This bill is especially dangerous when applied to trust lands, conservation districts, DHHL lands, and lands with cultural and burial significance. Many of these lands are already overburdened by industrial-scale development masquerading as “green” or “affordable” solutions. Industrial enterprises should not be allowed to bypass thorough environmental and cultural review simply by being categorized as clean energy or housing.

Communities — especially Native Hawaiian communities — often need time to:

- Access technical documents,
- Consult kūpuna and cultural practitioners,
- Organize collectively, and
- Seek legal counsel.

Shortening the window for legal challenge effectively silences these voices and privileges developers with legal teams and financial resources already in place. This creates an inequitable system where only the well-resourced can meaningfully participate.

Further, forcing all legal challenges directly to the Supreme Court removes an essential layer of judicial review and makes access to justice even more difficult for everyday people. Prohibiting attorneys’ fees discourages legal representation altogether, making it nearly impossible for communities to defend their rights, cultural practices, and environmental interests.

When paired with measures like HB1650, which removes historic sites and the Waikīkī Special District from environmental assessment requirements, the pattern becomes clear: these bills collectively weaken Hawai‘i’s environmental protections and erode long-standing safeguards meant to protect iwi kūpuna, cultural landscapes, and public trust resources.

True climate resilience and housing justice cannot come at the cost of environmental justice. There is no justification for trading due process and cultural protection for speed. Fast-tracking

development without full environmental review invites long-term damage, legal conflict, and public distrust.

Aloha ‘Āina means loving the land enough to protect it — not rushing it into irreversible use. Restoration, not acceleration, is what our islands need.

For these reasons, I urge you to **STRONGLY OPPOSE** HB1979 HD1 and reject any attempt to weaken environmental review, especially on trust lands and culturally significant places.

Mahalo for the opportunity to testify.

Respectfully,

Kanoeuluwehianuhea Case

Moku O Keawe

Founder of Na Wai Ho'ola Nui La'au Lapa'au Foundation
Co-Collaborator of Truth for the People

HB-1979-HD-1

Submitted on: 2/12/2026 9:17:35 PM

Testimony for HSG on 2/13/2026 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

Bill Number: HB1979 HD1

Position: STRONG OPPOSITION

RE: RELATING TO ENVIRONMENTAL REVIEW

Aloha Chair and Members of the Committee,

I, Dana Keawe, submit this testimony in **Strong Opposition to HB1979 HD1**, which proposes to shorten the time period for judicial challenges to Environmental Assessments (EA) and Environmental Impact Statements (EIS) for projects labeled as “affordable housing” or “clean energy,” and to restrict access to meaningful judicial remedies by forcing cases directly to the Supreme Court while prohibiting the award of attorneys’ fees.

Environmental review is not a bureaucratic hurdle — it is a public trust safeguard. It is one of the only formal processes that ensures transparency, cultural impact analysis, and protection of Hawai‘i’s finite land and resources before irreversible harm is done. Weakening this process by shortening timelines and limiting access to the courts undermines both community participation and informed decision-making.

This bill is especially dangerous when applied to trust lands, conservation districts, DHHL lands, and lands with cultural and burial significance. Many of these lands are already overburdened by industrial-scale development masquerading as “green” or “affordable” solutions. Industrial enterprises should not be allowed to bypass thorough environmental and cultural review simply by being categorized as clean energy or housing.

Communities — especially Native Hawaiian communities — often need time to:

- **Access technical documents,**
- **Consult kūpuna and cultural practitioners,**
- **Organize collectively, and**
- **Seek legal counsel.**

Shortening the window for legal challenge effectively silences these voices and privileges developers with legal teams and financial resources already in place. **This creates an inequitable system where only the well-resourced can meaningfully participate.**

Further, forcing all legal challenges directly to the Supreme Court removes an essential layer of judicial review and makes access to justice even more difficult for everyday people. Prohibiting attorneys' fees discourages legal representation altogether, making it nearly impossible for communities to defend their rights, cultural practices, and environmental interests.

When paired with measures like HB1650, which removes historic sites and the Waikīkī Special District from environmental assessment requirements, the pattern becomes clear: these bills collectively weaken Hawai'i's environmental protections and erode long-standing safeguards meant to protect iwi kūpuna, cultural landscapes, and public trust resources.

True climate resilience and housing justice cannot come at the cost of environmental justice. There is no justification for trading due process and cultural protection for speed. Fast-tracking development without full environmental review invites long-term damage, legal conflict, and public distrust.

Aloha 'Āina means loving the land enough to protect it — not rushing it into irreversible use. Restoration, not acceleration, is what our islands need.

For these reasons, I urge you to STRONGLY OPPOSE HB1979 HD1 and reject any attempt to weaken environmental review, especially on trust lands and culturally significant places.

Mahalo for the opportunity to testify.

Respectfully,
Dana Keawe

Truth for the People

Moku o Keawe