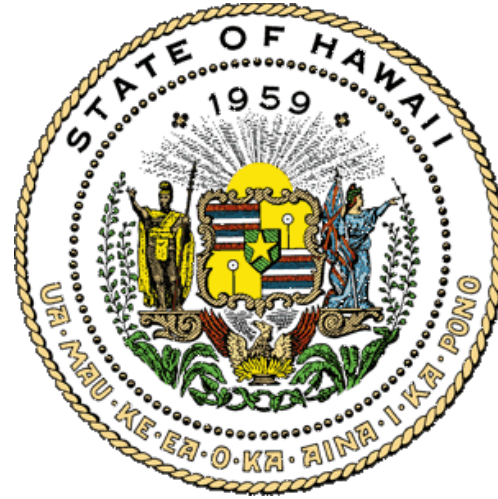


# Chapter 343 Exemption List for the Commission on Water Resource Management



Commission on Water Resource Management  
Briefing, February 18, 2020.

# What is a Comprehensive Exemption List and why do we need one?

1. If Chapter 343 is triggered (Exhibit 1), the agency or applicant must either prepare an EA, an EIS, or exempt itself from the preparation of such documents by one of 10 exemption classes enumerated under HAR §11-200.1-15. (Exhibit 2)
2. The administrative rules promulgated under the authority of §343-6 (a)(2), HRS, and specifically §11-200.1-16 HAR, allows agencies to develop their own exemption lists for actions considered to have minimal or no significant effects to the environment.
3. The CWRM currently uses the 2015 DLNR Exemption List. However, the AG has recently noted that CWRM is only administratively attached to DLNR. Therefore, the CWRM is creating its own exemption list under the new administrative rules, effective August 9, 2019 – “HAR 11-200.1”.

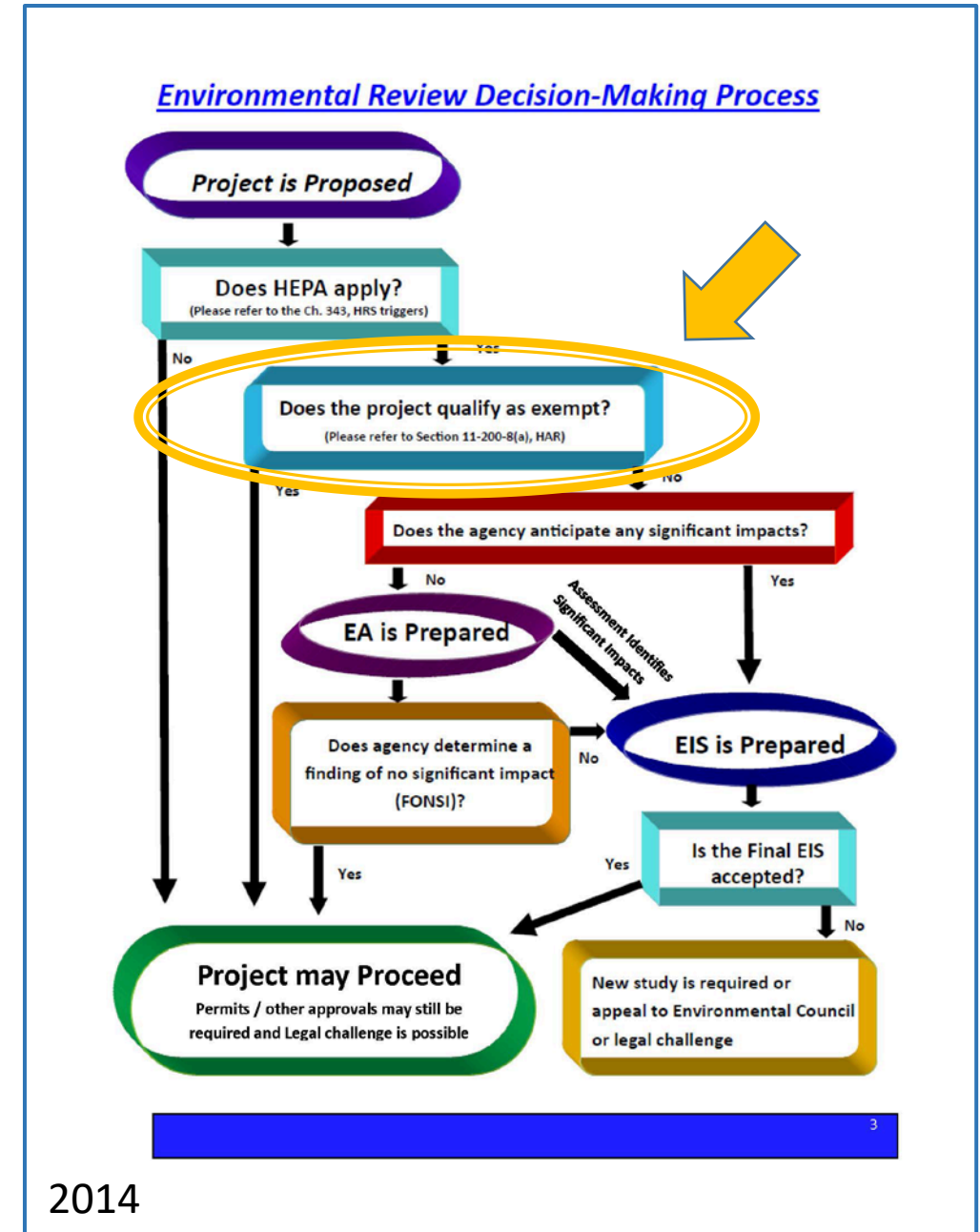
# Environmental Review



When a project is first proposed it is subject to Chapter 343 HRS.

An environmental review – an EA or EIS – is required whenever a program or project is proposed that may have an environmental impact.

The triggers for an environmental review are shown in HRS §343-5 (Exhibit 1).



# Repeal of Chapter 11-200 and Adoption of Chapter 11-200.1 Hawaii Administrative Rules (HAR)

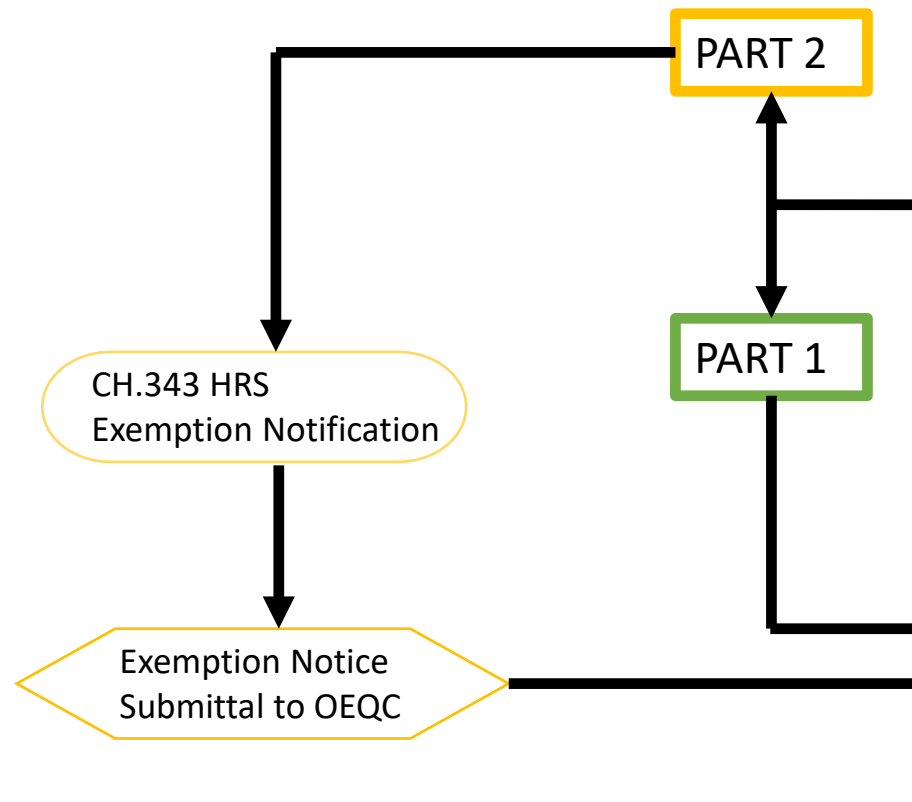
As of August 9, 2019 new rules known as HAR Chapter 11-200.1 are in effect. These new rules affect the Agency Exemption Lists for the OEQC under Chapter 343 HRS.

## SECTIONS

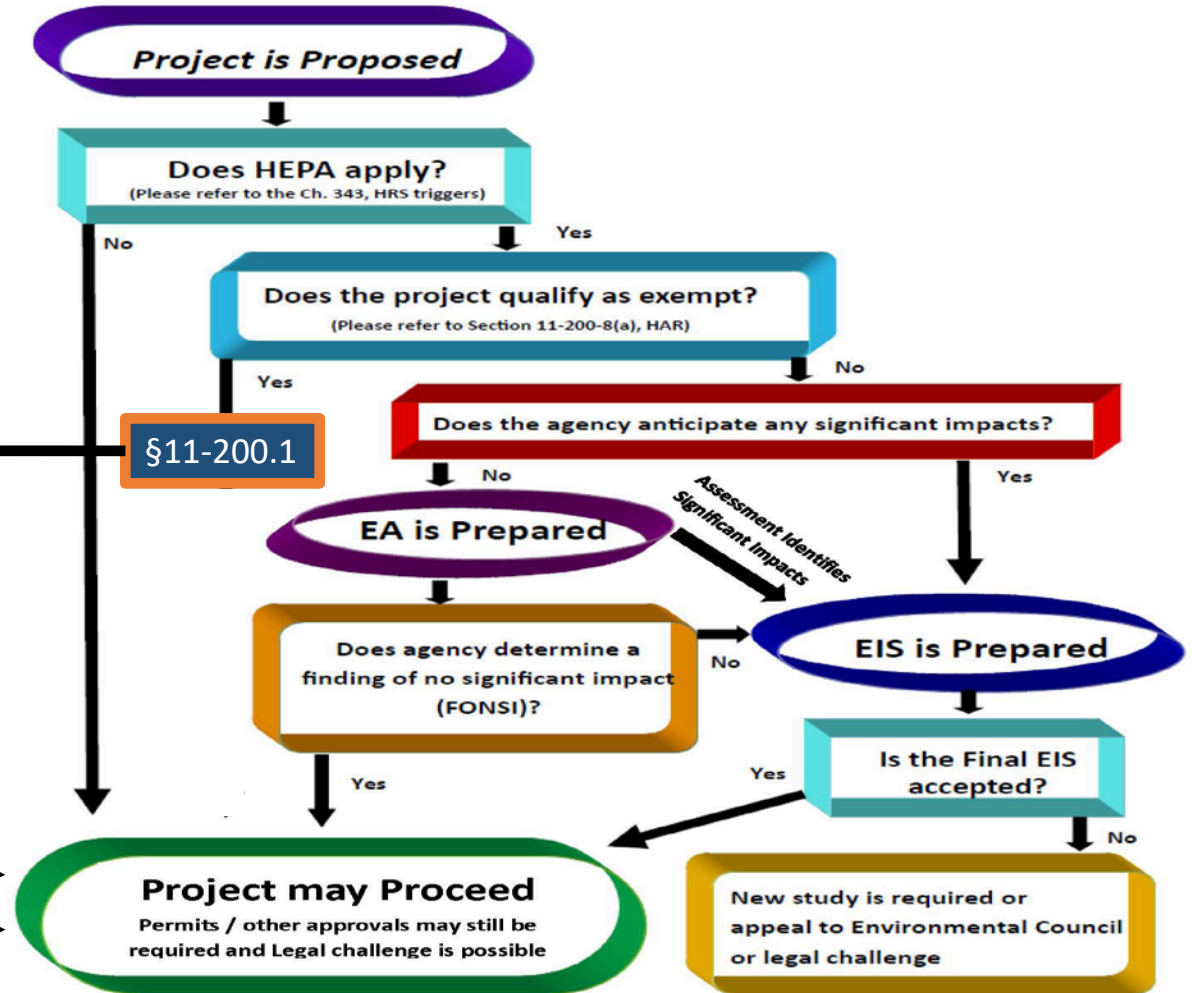
- § 11-200.1-15 [Exemption classes]
- § 11-200.1-16 [Separation into **Part 1** and **Part 2**]
- § 11-200.1-17 [OEQC Exemption notices]

New Section

Chapter 343 Exemption with HAR §11-200.1



Environmental Review Decision-Making Process



2014

## AGENCY EXEMPTION LIST for DLNR

### PART 1 (Routine Operations)

- No Exemption Notice needed for files
- No Documentation/report to the OEQC

Pursuant to §11-200.1-16 (b) “an agency may use part one of its exemption list, developed pursuant to subsection (a)(1), to exempt a specific activity from preparation of an EA and the requirements of §11-200.1-17 because the agency considers the specific activity to be de minimis.”

### PART 2 (Construction)

- Documentation of Exemption Notification recorded in Files (Exhibit 3)
- Reported to the OEQC on a Monthly basis

Pursuant to §11-200.1-16 (c) “an agency may use part two of its exemption list, developed pursuant to subsection (a)(2), to exempt from preparation of an EA and specific action that the agency determines to be included under the types of actions in its exemption list, provided that the agency fulfills the exemption notice requirements set forth in §11-200.1-17 and Chapter 343, HRS.”

\*Separated at the discretion of the agency and then submitted to the OEQC for concurrence and approval (Exhibit 4).

# What Constitutes §11-200.1-16 (a)(1) or “de minimis” for PART 1

- “Routine activities and ordinary function within the jurisdiction or expertise of the agency...”
  - Operation, repair, or maintenance of existing facilities
  - Minor replacement or reconstruction of wells, lighting, equipment, etc.
  - Non-destructive data collection
  - Purchase of supplies
  - Etc.

# What Constitutes §11-200.1-16 (a)(2) for PART 2

- Projects that may have an environmental impact.
  - Construction and location of single, **new**, deep monitor wells, small facilities or structures
  - Installation of **new**, small equipment or facilities, roof tops, and the alteration and modification of the equipment or facilities
  - Replacement or reconstruction of facilities, data collection stations, stream gauges, trails, etc.
  - Demolition
  - Etc.



What is the Requirement that is set forth in §11-200.1-17? (for Part 2)

Pursuant to §11-200.1-17(c),

- Each agency shall electronically provide its exemption notices for review upon request by the public or an agency...
- And shall submit a list of exemption notices that the agency has created to the office for publication in the bulletin...



# The Environmental Notice

January 8, 2020

David Y. Ige, Governor

The Environmental Notice provides public notice for projects undergoing environmental review in Hawai'i as mandated under Section 343-3, Hawai'i Revised Statutes, the Environmental Impact Statement Law. Along with publishing Environmental Assessments and Environmental Impact Statements for projects in Hawai'i, The Environmental Notice also includes other items related to the shoreline, coastal zone, and federal activities.



Extreme close up of the "io or Hawaiian hawk (*Buteo solitarius*) Photo credit: Makuhine Pa'iki  
235 South Beretania Street, Suite 702 • Honolulu, Hawai'i 96813 • (808) 586-4185 • [oeqc@hawaii.gov](mailto:oeqc@hawaii.gov) • <http://health.hawaii.gov/oeqc>

January 8, 2020

The Environmental Notice

## O'AHU

### Honouliuli Wastewater Conveyance Plan--Draft EIS

Grandfathered under old rules

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area (9)(A) Propose any wastewater treatment unit ...	
<b>District(s)</b>	Ewa	
<b>TMK(s)</b>	Zone 9-Sections 1 through 4, and Sections 6 through 9, and spans multiple properties.	
<b>Permit(s)</b>	Numerous (see document)	
<b>Proposing/ Determining Agency</b>	Department of Environmental Services, City and County of Honolulu Paul Christiansen, (808) 768-3470, <a href="mailto:p.christiansen@honolulu.gov">p.christiansen@honolulu.gov</a> 1000 Ulu'ohia St., Suite 308, Kapolei, HI 96707	
<b>Accepting Authority</b>	Department of Environmental Services, City and County of Honolulu Lori Kahikina, (808) 768-3486, <a href="mailto:lkahikina@honolulu.gov">lkahikina@honolulu.gov</a> 1000 Ulu'ohia St., Suite 308, Kapolei, HI 96707	
<b>Consultant</b>	AECOM Technical Services, Inc.; 1001 Bishop St., Suite 1600, Honolulu, HI 96707 Rae Loui, (808) 529-7221, <a href="mailto:rae.loui@aecom.com">rae.loui@aecom.com</a>	
<b>Status</b>	Statutory 45-day public review and comment period starts. <b>Comments are due by February 24, 2020.</b> Please send comments to the accepting authority and copy the proposing agency and the consultant.	

The City and County of Honolulu Department of Environmental Services' (ENV) Proposed Action is a program to upgrade and expand the existing East Interceptor Wastewater Collection System of the Honouliuli sewer basin to accommodate wastewater flows projected through the planning period of 2050. The Proposed Action includes planned improvements to the East Interceptor System and a proposed new sewer conveyance system from the Waiawa area to the East Interceptor System. Two East Interceptor conveyance options and three Waiawa conveyance options are evaluated. ENV anticipates that subsequent to this programmatic plan, and following the development of additional details of the individual projects, there may be further consideration of potential environmental effects for decisionmaking on the projects. When sufficient design details are available, separate project-specific HRS Chapter 343 documents will be prepared and compliance with other laws and requirements will be demonstrated.

### Leeward CC Value-Added Product Development Center--Final EA (FONSI)

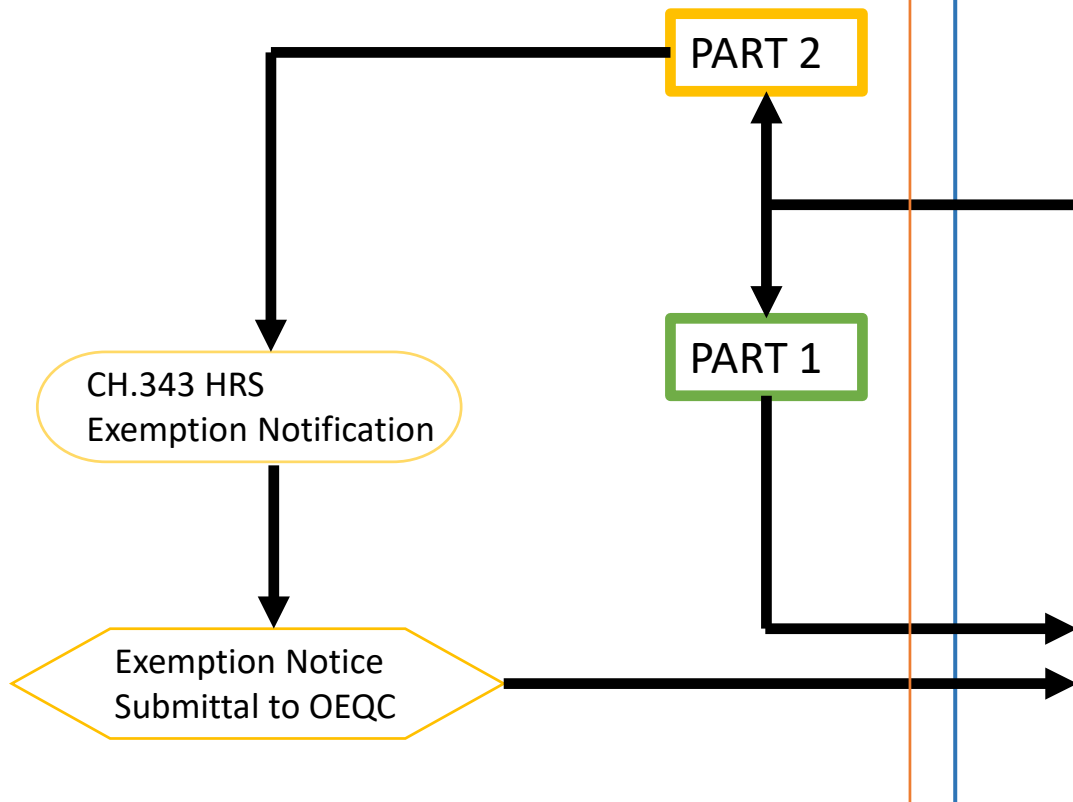
Grandfathered under old rules

<b>HRS §343-5(a) Trigger</b>	(1) Propose the use of state or county lands or the use of state or county funds	
<b>District(s)</b>	Wahiawa	
<b>TMK(s)</b>	(1) 7-4-012:016	
<b>Permit(s)</b>	Numerous (see document)	
<b>Proposing/ Determining Agency</b>	University of Hawai'i, State of Hawai'i Denise Yoshimori-Yamamoto, (808) 956-8373, <a href="mailto:dyoshim@hawaii.edu">dyoshim@hawaii.edu</a> 1601 East-West Road, Burns Hall #4018, Honolulu, HI 96848	
<b>Consultant</b>	Wilson Okamoto Corporation: 1907 South Beretania St., Suite 400, Honolulu, HI 96826 Keola Cheng, (808) 946-2277, <a href="mailto:kCheng@wilsonokamoto.com">kCheng@wilsonokamoto.com</a>	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination.	

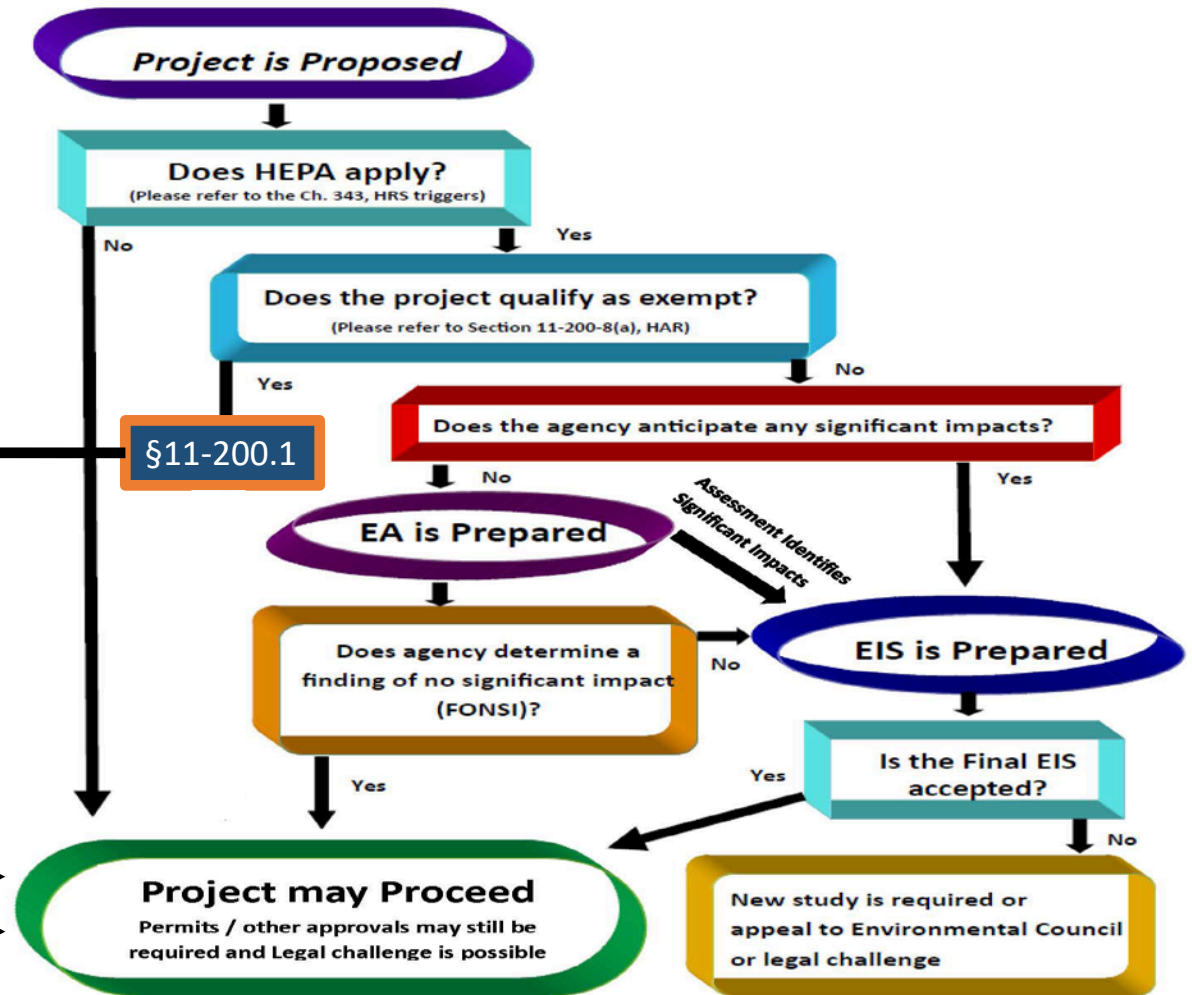
The University of Hawai'i (UH) is proposing to construct the Value-Added Product Development Center (VAPDC) located at 1001 California Avenue in downtown Wahiawa. The project will repurpose an existing metal warehouse that formerly housed Tamura's Wholesale Outlet, which was acquired by the State of Hawai'i Department of Agriculture's (DOA) Agribusiness Development Corporation in 2013 to advance agriculture in Hawai'i. The goal of the project is to repurpose the existing warehouse as the VAPDC that will be jointly managed by University of Hawai'i Community Colleges (UHCC) and the DOA's Agribusiness Development Corporation. The VAPDC will offer a set of programs, services, and training that promote innovation and entrepreneurship within the agricultural industry.

# Conclusion

## Chapter 343 Exemption with HAR §11-200.1



## Environmental Review Decision-Making Process



Thank You