

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813

May 25, 2012

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Delegation of Authority to the Division of Boating and Ocean Administrator to Exempt Janitorial Service, Electrical, Plumbing, Refuse Pick-Up, and Collection and Removal of Water-Borne Debris Contracts from the Requirements of Chapter 343, HRS, and Title 11, Section 200-8, HAR

The Division of Boating and Ocean Recreation (DOBOR) is requesting that Board of Land and Natural Resources (Board) delegate authority to the DOBOR Administrator to exempt janitorial service, electrical, plumbing, refuse pick-up, and the collection and removal of water-borne debris contracts from the requirements of Chapter 343, Hawaii Revised Statutes (HRS) and Section 11-200-8, Hawaii Administrative Rules (HAR) as these are already covered by statutory exemptions.

Background

The Department of Health's Office of Environmental Quality Control (OEQC) is responsible for implementing Chapter 343, HRS, Environmental Impact Statement. Chapter 343, HRS specifies when an Environmental Assessment or and Environmental Impact Statement (EIS) is required and provides for exemptions from the Act for actions that will probably have minimal or no significant effect on the environment. Chapter 343, HRS has eleven classes of exempt actions under Section 11-200-8, HAR.

Section 11-200-8, HAR provides exemption categories and requires that agencies, through time and experience, develop its own list of specific types of actions which fall within the exempt classes. These lists must be consistent with Chapter 343, HRS and are submitted to OEQC for review and concurrence by its Environmental Council through the public hearing process. DOBOR developed its exemption list which was concurred by the Environmental Council in 1995. A table showing DOBOR's exemption list and janitorial service, electrical, plumbing, refuse pick-up, and the collection and removal of water-borne debris contracts and the statutorily provided exemption category is shown below.

Exemption Class	Contract Type	Exemption List
<p>1. Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing</p>	<p>Plumbing Electrical Repair Janitorial Refuse Collection Water borne debris collection</p>	<p>A. Structures 1. Buildings: repainting, re-roofing, and repairs to and maintenance of furnishings, framework, walls, roof sheathing, flooring, floor coverage, windows, doors, electrical, plumbing, and communication systems, and heating/ventilation/air conditioning units.</p> <p>D. Topographical Features 3. Clearing of swales and drainage conduits to maintain flow characteristics. 4. Removing of silt and debris from above high water mark and of sand and limu from boat launch ramps.</p>
<p>4. Minor alterations in the conditions of land, water, or vegetation</p>	<p>Water borne debris removal</p>	<p>1. Minor ground adjustments which do not require grading permits for the purpose of eliminating hazards to vehicular traffic or which compromise navigational aids.</p>

RECOMMENDATION:

That the Board delegate authority to exempt janitorial service, electrical, plumbing, refuse pick-up, and the collection and removal of water-borne debris contracts from the requirements of Chapter 343, HRS, and Chapter 11-200-8, HAR to the Administrator of the Division of Boating and Ocean Recreation.

Respectfully submitted,



EDWARD R. UNDERWOOD
Administrator

APPROVED FOR SUBMITTAL



WILLIAM J. AILA, JR.
Chairperson