

**COMPREHENSIVE EXEMPTION LIST FOR THE
COUNTY OF HAWAII
DEPARTMENT OF PUBLIC WORKS
SEPTEMBER 1, 2015, AMENDED October 5, 2020**

Concurred with by Environmental Council January 5, 2021

According to section 11-200-8, Hawaii Revised Rules, the Department of Public Works may declare exempt the following types of actions from the requirement to prepare an environmental assessment.

The Department of Public Works shall not make exemption declarations when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant, in a particularly sensitive environment. Sensitive areas may include, but are not limited to significant historical, archaeological, and cultural sites, flood plains, wetlands, beaches, coastal areas, erosion-prone areas, geologically hazardous land, critical habitats, and estuaries.

NEW RULES (HAR Sections 11-200.1-15, -16, -17)

PART 1 - De Minimis: Routine activities and ordinary functions that do not have the potential to affect the environment more than negligibly.

PART 2 – Exemption Notice: Types of actions eligible for exemption under HAR Section 11-200.1-15 that will have minimal or no significant effects on the environment.

GENERAL TYPE #1: *Operation, repairs, or maintenance of existing structures, facilities, equipment or topographic features involving minor expansion or minor change of use beyond that previously existing:*

A. STRUCTURES

PART 1: De Minimis

1. Maintenance, minor alteration or repair of any existing structure, owned/maintained by the County or located within the County right-of-way, which does not alter the structure's overall area or intended function. Structures covered include but are not limited to: concrete pavements, bridge decks, tunnels, parking structures, retaining walls, noise walls, screen walls, drainage structures, storm drain lines, intake and collection boxes, pedestrian bridges/footbridges, pipe supports, and fencing and gates.
2. Repairing, repainting, reroofing, and maintenance of existing structures and interior components, including framework, walls, interior reconfiguration, flooring, windows, doors, electrical, plumbing, security and communication systems, and ventilation and air conditioning units.
3. Modification required to existing structures and equipment to meet new codes and regulations.
4. Department of Agriculture and EPA approved termite and pest control treatment.

PART 2: Exemption Notice

1. Maintenance, minor alteration or repair to the extent of original field conditions and intended functions (to include minor underpinning), of any slope/embankment, erosion mitigation structure and bridge structure (including appurtenances), that is owned/maintained by the County or located within the County right-of-way.

B. FACILITIES

PART 1: De Minimis

1. Operation, maintenance, minor alteration, storage/parking within, or repair of all existing facilities that are owned/maintained by the County or located within the County right-of-way, which does not alter the facility's overall area or intended function. Facilities covered include but

are not limited to: utilities (except where a State Department of Health permit is required), utility/drainage structures, drainageways, storm drains, manholes, junction boxes, rock walls, grouted rubble paving walls, County remnant properties, easements, road rights-of-way, curbs, gutters, ramps, handrails and sidewalks.

2. Operations, repairs, or maintenance actions for compliance with OSHA requirements.
3. Operations, repair, and maintenance of existing traffic signs and posts; traffic markings; street lights, street light appurtenances, and street light poles; traffic signals, traffic signal appurtenances, and traffic signal poles (as a part of a Preventative Maintenance Program and Traffic Signal Operations and Maintenance Program); flashing beacons, driver feedback signs, and other traffic signal and street light-related systems, appurtenances, and poles.
4. Removal, repair and/or replacement of any existing traffic control or traffic safety facility owned/maintained by the County, or located within the County right-of-way. Traffic control and traffic safety facilities covered include but are not limited to: guard rails, guard rail end treatments, crash attenuators, and bollards.

PART 2: Exemption Notice

1. Maintenance, repair or resurfacing of existing facilities that are owned/maintained by the County, or located within the County right-of-way. Facilities covered include but are not limited to: pavements, roadways, shoulders (to include shoulder widening), parking areas, walkways, bikeways, pedestrian/multi use pathways, driveways, earth berms, drainage swales, stream banks, and bridge structures (which may include installation of swales, grouted rubble paving, rip rap and other measures for scour resistance and bank repairs).
2. Removal of accumulated debris and sediments from entrance channels, culverts and drainage structures.

3. Removal of roadway obstructions such as rockfalls, landslides, fallen trees to restore and maintain safe travel way for the public.
4. Replacement of existing facilities, which are owned/maintained by the County, or are located along/across a County owned/maintained property. Facilities covered include but are not limited to: utilities and utility/drainage structures (excluding underwater pipelines).

C. EQUIPMENT

PART 1: De Minimis

1. Maintenance and repair of vehicles; trucks; maintenance and construction equipment; and machinery such as tools, mowers, tractors, etc.

PART 2: Exemption Notice: None

D. TOPOGRAPHICAL FEATURES

PART 1: De Minimis

1. Acquisition of interests, including easements, quitclaim, fee simple, and leaseholds, in real property on which existing County facilities are situated, provided that the County has conducted a site assessment.
2. Consolidation of residential-zoned roadway remnant parcels into one lot (residential).
3. Requests to the Department of Land and Natural Resources or General Services Administration for setting aside of State lands to the Department of Public Works.
4. Requests to the Department of Land and Natural Resources for transferring of State lands by Governor's Executive Order between the Department of Public Works and other County agencies.
5. Subdivision of lot(s) not previously subdivided into roadway parcel(s) and roadway remnant(s); and portion of roadway due to encroachment or determined surplus.

6. Clearing bridges, drainage areas, culverts, structures and maintenance/restoration of swales to preserve existing flow characteristics, for erosion control and to minimize pollution of waterways.
7. Clearing debris, sediments and deposits on shoreline areas.
8. Clearing of earth berms, drainage swales, stream banks and streams including, but not limited to, those with direct outlet to the ocean.
9. Construction of staging areas.
10. Grass cutting, mowing and trimming vegetation less than 15 feet within County Right of Way and easements.
11. Herbicide spraying within County Right-of-Way, easements and drainage areas, including slopes, and flood channels.
12. Landscaping.
13. Repairs due to natural and man-made incidents (rebuild eroded berms, clear fallen trees, etc.).

PART 2: Exemption Notice

1. Clearing, grading and grubbing, for which grading permits are not required, to maintain safety and security standards for vehicular traffic.
2. Clearing / Removing of overhanging and loose rocks on roadway slopes within County Right of Way and easements.
3. Repairs, Excavating / Removing dirt, rock and debris from flood-control channels and debris basin.
4. Clearing and maintenance of areas for emergency mitigation, including, but not limited to, firebreaks, emergency landing zones, staging and operational sites. Note: The proposing agency undertaking the action shall document that the emergency action was undertaken pursuant to a specific emergency. If necessary an after-the-fact Exemption Notice shall be filed immediately following the event or as soon as practicable.

GENERAL TYPE #2: *Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.*

A. STRUCTURES

PART 1: De Minimis

1. Existing pipe supports, bollards, fencing and gates.
2. Repairing and/or replacing framing, sidings, flooring, roofing, fixtures, windows, sprinkler and fire protection system, roll-up doors, including minor renovations/additions/modifications not exceeding 20 percent of the floor area.

PART 2: Exemption Notice

1. Bridge removal, repair, rehabilitation, reconstruction and/or replacement, and any additions required to meet Federal and State Highway Standards, as long as the new bridge is limited to two traffic lanes.
2. Replacement, reconstruction or rehabilitation, of any damaged, deteriorating or ineffective existing County owned/maintained structure, to its original or better conditions as necessary to ensure structural integrity and public safety. Structures covered include but are not limited to: roadway structures (when flood or other natural phenomena causes complete collapse or serious damage to the structures which render them unsafe for traffic use), concrete pavements, tunnels, parking structures, retaining walls (to include slope/stream retaining walls, stabilization structures and stream bank linings), noise walls, screen walls, drainage structures, storm drain lines, intake and collection boxes, pedestrian bridges/footbridges, curbs and sidewalks.

B. FACILITIES

PART 1: De Minimis

1. Accessible ramps and handrails.
2. Replacement of existing traffic signs and posts; traffic markings; street lights, street light appurtenances, and street light poles; traffic signals, traffic signal appurtenances, and traffic signal poles; and flashing beacons, driver feedback signs, and other traffic signal and street light-related systems, appurtenances, and poles.
3. Restriping of existing roadways to provide an additional lane.

PART 2: Exemption Notice

1. Bridge removal, repair, reconstruction and/or replacement, and any additions/modifications (to include but not limited to pedestrian and bicycle safety improvements) required to meet Federal and State Highway Standards as long as the new/repared bridge maintains the same number of through lanes within the existing right-of-way.
2. Emergency reconstruction or temporary replacement of damaged facilities commencing immediately after the occurrence of a natural disaster or catastrophic failure to restore a County owned/maintained facility for the health, welfare, and safety of the public.
3. Providing a contra-flow for car pools and buses during peak hours by coning the opposite direction of travel.
4. Reconstruction of roadway shoulders and installation of emergency bays for the transporting of vehicular traffic during peak hours. These roadway improvements, if needed to mitigate the traffic impacts of an adjacent development project, should not be exempt and should be included and discussed in the development project's environmental documents.
5. Replacement, reconstruction and/or modernization of existing County owned/maintained roadways, pavements and other travel ways required to maintain level of service or public safety (cut slopes may be graded to a minor extent to facilitate modernization or reconstruction). Modernization work for safety purposes to include but is not limited to: road widening (less than a single lane width), shoulder

reconstruction/addition, auxiliary lane additions, and substandard curve/intersection corrections. Replaced or reconstructed asphaltic concrete paved roads, or unpaved roads resurfaced with asphaltic concrete, will have substantially the same purpose, capacity and dimensions as the roadway prior to construction.

6. Upgrade, reconstruction, resurface and/or replacement of any existing facility owned/maintained by the County, to ensure a consistent level of service, public safety and/or meet acceptable safety standards. Facilities covered include but are not limited to: pavements, roadways, bike lanes/paths, driveways, parking lots, pedestrian/multi-use pathways, equestrian trails, sidewalks, road intersections, curves, roadway shoulders, roadway structures (when flood or natural phenomena causes complete collapse or serious damage), guardrails, pedestrian facilities, utilities and utility service extensions (except where a State Department of Health permit is required), utility/drainage facilities (to include the installation of pipe culverts and inlets, the construction of gutters, and the re-routing/relocation of drainage ditches and swales where minor flooding occurs), streambanks, earth berms, piers, piles, sheetpiles and drainage outlets), stream crossings and crossroads.

C. TOPOGRAPHICAL

PART 1: De Minimis

1. Acquisition of lands for drainage purposes where there is a natural, existing drainage watercourse.
2. Acquisition of lands that do not include homes and businesses and relocation of tenants, especially for upgrading substandard curvatures and intersections for roadway improvements.

PART 2: Exemption Notice

1. Clearing, grading and grubbing.

GENERAL TYPE #3: *Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small, equipment or facilities and the alteration and modification of the equipment or facilities, including, but not limited to:*

- (A) Single-family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered if not in conjunction with the building of two or more such units;*
- (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;*
- (C) Stores, offices, and restaurants designed for total occupant load of twenty individuals or fewer, if not in conjunction with the building of two or more such structures;*
- (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structure or facilities; accessory or appurtenant structures including garages, carports, patios swimming pools, and fences; and, acquisition of utility easements.*

PART 1: De Minimis

1. Acquisition of interests, including fee simple, quitclaim, easements, and leaseholds, in real property on which County facilities will be situated, provided that the County has conducted a site assessment.
2. Acquisition of lands for drainage purposes where there is a natural, existing drainage watercourse.
3. Acquisition of lands that do not include homes and businesses, especially for upgrading substandard curvatures and intersections for roadway improvements.
4. Acquisition of utility and drainage easements.
5. Installation of new appurtenances and modification of existing structure / facilities / equipment within the County right-of-way, such as traffic signs on existing posts; traffic markings; street lights and street light appurtenances on existing utility and street light poles; traffic signals and traffic signal appurtenances on existing traffic signal poles; detection, surveillance, preemption, and other traffic signal and street

light-related devices and equipment on existing traffic signal and street light standards and/or within the right-of-way (i.e. cameras and inductance loops); street light and traffic signal poles on existing foundations.

PART 2: Exemption Notice

1. Construction, extension, service connection and/or installation of any facility/structure, located within or along a County owned/maintained property. Facilities/structures covered include but are not limited to: utilities (except where a State Department of Health permit is required), utility structures/facilities, utility service extensions, storm drainage systems, drainage structures/facilities, street light and appurtenances, field offices, temporary emergency access roads and temporary staging areas.
2. Construction, alteration and/or modification of any facility or structure (not to include walls greater than 6 feet in height, sea walls, groins or any type of walls within shoreline areas or the state conservation district) located within County owned/maintained property. Facilities/structures covered include but are not limited to: cement rubble masonry, walls (to include all types of walls that are no more than 6 feet in height), slope stabilization structures, roadways, pavements and pavement structures/facilities, guardrails, fencing and gates, sidewalks, parking lots, covered walkways, curbing, earth berms, drainage swales, travel ways, pedestrian pathways, pedestrian bridges/footbridges, or any other facility or structure requiring construction/alteration to conform to any safety and/or regulatory requirements, standards or codes.
3. Installation and construction of traffic and pedestrian safety measures within any County owned/maintained roadway or property. Safety measures covered include but are not limited to: glare screens, delineators, safety barriers, guardrails, energy attenuators, escape

ramps and other appurtenances designed to protect the motorist and pedestrians.

4. Landscaping.
5. Minor street widening and improvements or clearing, grading and grubbing of one acre or less, within any existing or future County owned/maintained roadway or property.
6. Pavements (and striping, as needed), including but not limited to roadways, driveways, parking lots, walkways, bikeways, jogging path, or multi-use pathway.
7. Construction of striping on existing pavement for a bike path within an existing County right-of-way.
8. Providing a contra-flow for car pools and buses during peak hours by coning the opposite direction of travel.
9. Installation of new and modification of existing foundations and utility poles (direct-bury) for street lights, traffic signals, flashing beacons, driver feedback signs, and other traffic signal and street light-related systems.
10. Traffic calming devices.
11. Construction or alteration of existing building and facilities to meet current building codes, regulations and standards such as the American with Disabilities Act (ADA) requirements, Uniform Building Code, etc.
12. Construction of disabled accessibility improvements including walkways, stairways, and ramps and handrails.
13. Installation, upgrade and modification for energy or other resource conservation.
14. Installation of security and safety facilities.

GENERAL TYPE #4: *Minor alterations in the conditions of land, water, or vegetation.*

PART 1: De Minimis

1. Incident clearing of land and preliminary site work for surveying, engineering design, and geologic and hydrologic studies.
2. Maintenance and removal of all vegetation less than 15 feet in height from within the County road rights-of-way and easement that pose a hazard to the health and welfare of the public.
3. Installation of directional, informational, and regulatory signs.
4. Striping of existing paved roadways or paved shoulders to create a bike lane when no additional construction is required.
5. Painting and finishing of existing structures as needed, interior and exterior.
6. Modification and installation of office partitions, ventilation, air conditioning, lighting, plumbing, fire alarm, sprinklers, security features and utility outlets as required.
7. Maintenance of existing utilities.
8. Modification and retrofitting of existing structures to meet current building codes and applicable health, safety, access, disability and security regulations.

PART 2: Exemption Notice

1. Chain-link fencing.
2. Construction and/or installation of any facility/structure, located within or along a County owned/maintained property / easements.
Facilities/structures covered include but are not limited to: berms, drainage ditches, seepage drains/detention basins, drywells, French drains, culverts (under existing County roadways to eliminate flooding), foot paths, lining for short sections of stream banks (for erosion control and slope stability), accessory irrigation systems, accessible ramps and handrails, field offices, glare screens, safety barriers, guard rails, energy attenuators (and other appurtenances designed to protect the motoring public), utilities and new utility service extensions, sidewalks, curb and gutters, interior roadways, parking lots, driveways, pedestrian paths (within existing park facilities or not greater than 10,000 lineal

- feet), equestrian trails (not greater than 10,000 lineal feet), best management practices (BMPs), retaining walls (except in shoreline areas or the State conservation district).
3. Construction of sidewalks, curbs and gutters.
 4. Installation of screens for noise control, glare screens, bollards, vehicular access barriers, safety barriers, energy attenuators, and other items to protect the motoring public, except for those structures located on any historic site as designated in the National Register or Hawaii register as provided for in the Historic Preservation act of 1966, Public Law 89-665 (16 USC Section 470, as amended), or Chapter 6E, Hawaii Revised Statutes.
 5. Installation of safety and security fences, gates and barriers to protect the general public from entering hazardous areas.
 6. Landscaping: removing trees taller than 15-feet or trimming trees above 15-feet in height and/or transplanting of trees; sodding of bare areas for dust and erosion control.
 7. Maintenance and removal of vegetation in order to conduct survey work.
 8. Minor earthwork or ground adjustments (which do not require a grading permit) within any existing County owned /maintained roadway or property, or for the purpose of eliminating hazards to vehicular traffic operations. Earthwork covered include but are not limited to: clearing, grading and grubbing of one acre or less; minor cut, fill and grading (which shall not exceed one hundred (100) cubic yards of material on any one site and does not exceed four feet in vertical height at its highest point for work outside of the Special Management Area, and shall not exceed fifty cubic yards of material on any one site and does not exceed two feet in vertical height at its highest point for work within the Special Management Area).
 9. Reinternment of burial remains as approved by State of Hawaii, Area Burial Councils.

10. Removal of an existing sea/retaining wall or shoreline armoring, subject to the following criteria:
 - a. The sea/retaining wall or armoring is structurally unsound as certified by a structural Engineer;
 - b. Removal of the sea/retaining wall or armoring is determined as a mitigative measure to impacts identified by a technical study certified professional engineer (geologist);
 - c. The sea/retaining wall or armoring is determined a safety hazard to the public or environment, and the impacts of retaining the sea/retaining wall or armoring are determined greater than removal; or
 - d. Removal of the sea/retaining wall is performed in conjunction with beach nourishment.
11. Removal of insignificant trees which endanger life or property and nonsignificant trees.
12. Building, repairing and reconstructing retaining walls, except in shoreline areas or the state conservation district.
13. Roadway improvements within or along a County owned/maintained property or right-of-way. Improvements covered include but are not limited to: paving of shoulder areas (which will not alter the character of the roadway facility) to provide vehicular access to roadway pavement lanes from adjacent common property lines for residential/commercial driveways and subdivisions, regrading / improvements of roadway shoulders, installation of pedestrian / bike sidewalk or bike path, landscaping of roadway embankments and median strips and reconstruction of an intersection for conversion into a roundabout or traffic circle (with appropriate signage to improve traffic operations or safety).
14. Installation of directional, informational, and regulatory signs with post(s).
15. Installation of traffic control devices, i.e. traffic signals, street lights, traffic signs and pavement markings.

16. Installation of street lights, directional, informational, and regulatory signs, pavement markings, traffic signals, fire alarm systems, civil defense warning systems, and security systems.
17. Installation of traffic signals, light standards, street lights, flashing beacons and appurtenances; pavement marks, and striping for traffic safety and control.
18. Lighting of streets and roadways.
19. Alteration or addition of improvements with associated utilities, which are incidental to existing facilities. Such improvements and associated utilities include electronic equipment, comfort stations, pavilions paving, rock walls, fencing, walkways, lighting, warehouses, offices, and drainage systems.
20. Construction of bus shelters.
21. Portable buildings for temporary use of 5 years or less.

GENERAL TYPE #5: *Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource.*

PART 1: De Minimis

1. Conduct archaeological surveys, excluding excavation.
2. Conduct air quality surveys.
3. Conduct ecological surveys for which no permit is required.
4. Conduct noise monitoring surveys.
5. Conduct preliminary surveys (e.g. reconnaissance, location work, level circuits, topographic and hydrographic work); topographic and location surveys; foundation surveys; and graves surveys.
6. Conduct stream study and survey.
7. Conduct subsurface investigations (borings) provided cultural remains are not disturbed.
8. Conduct survey work to verify control points and topographic work.
9. Conduct appraisal of real property.
10. Conduct drainage studies.

11. Conduct economic or financial analyses.
12. Conduct inventories.
13. Design alternative analysis.
14. Planning data collection.
15. Conduct building evaluations.
16. Conduct leak detection data collection.
17. Conduct traffic studies and plan reviews.
18. Conduct traffic surveys (including transit patronage surveys).
19. Basic data collection, research, experimental management, and resource evaluation activities necessary within existing public facility property boundaries that do not result in a serious or major disturbance to an environmental resource, including but not limited to, biological and ecological studies and surveys, chemical and bacteriological laboratory analysis, monitoring device installation, storm water runoff sampling and analysis, stream studies and surveys, topographical surveys, exploratory soil boring, reconnaissance, testing, or data recovery.

PART 2: Exemption Notice

1. Soils investigation.
2. Subsurface exploration soil boring and archaeological investigation. Archaeological investigations include historical research and archaeological inventory surveys, including subsurface test pits.
3. Surveying, engineering design and geologic and hydrologic studies with minor trimming of vegetation.

GENERAL TYPE #6: *Demolition of structures, except those structures that are listed on the national register or Hawai'i Register of Historic Places.*

PART 1: De Minimis

1. Demolition of fencing.
2. Demolition of obsolete or abandoned infrastructure systems and utilities.

3. Demolition of sidewalks, curbs and ramps.

PART 2: Exemption Notice

1. Demolition of existing structures under Department of Public Works jurisdiction or owned/maintained by the County, except seawalls and other coastal structures and the structures located on any historical site as designated in the National Historic Preservation Act or 1966, Public Law 89-655, or Chapter 6E Hawai'i Revised Statutes. Structures covered include but are not limited to: architectural features/barriers, buildings (prior to or concurrent with the construction of a new or replacement building), retaining walls, slope stabilization structures, drainage facilities and street improvements (prior to street widening or adjustment).

GENERAL TYPE #7: Zoning variances except shoreline setback variances.

PART 1: De Minimis: None

PART 2: Exemption Notice: None

GENERAL TYPE #8: Continuing administrative activities.

PART 1: De Minimis:

1. Acquisition of property for public use, but not improvement of property, including easements, minor subdivision and consolidation of parcels necessary for acquisition for public use, such as rounding corners and minor street widening.
2. Acquiring Right-of-Entry agreements.
3. Acquisition, subdivision or consolidation of public lands to facilitate transfer between the County of Hawaii and other agencies for continued public use.
4. Continuing Department of Public Works administrative activities including, but not limited to purchase of supplies and personnel-related activities.

5. Procurement processes to obtain supplies, goods, equipment and services.
6. Subdivision or consolidation of public lands and their transfer between the City and State for continuing public use.

PART 2: Exemption Notice:

1. Disposal of remnant parcels outside of the County right-of-way
 - a) Parcel(s) not greater than 5,000 square feet for roadway improvement projects.
 - b) Parcel(s) not greater than 16,000 square feet for stream improvement projects.
2. Land exchanges including, but not limited to, transactions, to correct, existing roadway alignments and easement locations, public park facilities, and title transfers between the State and County involving no monetary consideration.

GENERAL TYPE #9: *Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of affordable housing, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding; and*

PART 1: De Minimis: None

PART 2: Exemption Notice: None

GENERAL TYPE #10: *New construction of affordable housing, where affordable housing is defined by the controlling law applicable for the state or county proposing agency or approving agency that meets the following:*

- (A) Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with chapter 343, HRS;
- (B) As proposed conforms with the existing state urban land classification;
- (C) As proposed is consistent with the existing county zoning classification provided that allows housing; and
- (D) As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.11-13(b)(11).

PART 1: De Minimis: None

PART 2: Exemption Notice: None