

COMPREHENSIVE EXEMPTION LIST FOR THE
COUNTY OF HAWAII
OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT
JULY 11, 2018

According to Section 11-200-8, Hawai'i Revised Rules, the Office of Housing and Community development may declare exempt the following types of actions from the requirement to prepare an environmental assessment.

The following types of projects will not be exempt:

1. Projects requiring detailed analysis as provided in an environmental assessment under §343-5. These include, but are not limited to places listed on the Federal or State registers of historic places.
2. Projects in statutorily defined areas, including but not limited to: critical habitats, special management areas, special design districts, registered view planes or scenic corridors, wet lands, sanctuaries, special habitats, shoreline areas, tsunami inundation areas, or other designations; except where the work is eligible for exemption and there is no negative impact on the conditions that defined these areas.
3. Major projects without an Environmental Impact Statement (EIS); an Environmental Assessment with a Finding of No Significant Impact (EA/FONSI); or major projects that were never presented at a public meeting concerning site selection, master plan report, or any phase of incremental construction.
4. Major projects without a program to encourage public input into the design or siting of a project.

Pursuant to HAR §11-200-8 (B), all exemptions under the following classes in this section are applicable 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 particular sensitive environment, as expressed in #2 above.

Pursuant to the administrative rules promulgated under authority of Section 343-6(7), HRS, specifically Section 11-200-8, Hawaii Administrative Rules (HAR); the Office of Housing and Community Development has determined that the following types of actions, where they fall

within the given classes of action, shall generally be exempt from the preparation of an environmental assessment.

Exemption Class #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.

1. Structures

- a. Repair and maintenance of existing dwelling units and ancillary structures.
- b. Repair and maintenance of storage tanks/reservoirs.
- c. Repair and maintenance of buildings (parking structures, office buildings, maintenance buildings, etc.).
- d. Repair and maintenance of retaining walls.
- e. Repair and maintenance of slope stabilization structures.
- f. Repair and maintenance of pipe supports.
- g. Repair and maintenance of fencing and gates.
- h. Repair and maintenance of intake and collection boxes.
- i. Repair and maintenance of curbs, sidewalks and ramps.
- J. Repair and maintenance of exterior steps and stairways.
- k. Operation of temporary construction staging areas.

2. Facilities

- a. Repair and maintenance of essential utilities including, but not limited to, wastewater systems, drainage systems, water systems, electrical systems, solar water heating systems, communication systems, irrigation systems, and fuel systems, except where a State Department of Health permit is required.
- b. Repair, maintenance or resurfacing of roadway systems and parking areas.
- c. Repair and maintenance of traffic control/safety facilities (signs, guardrails, striping, pavement markers, etc.).

3. Equipment

- a. Repair and maintenance of equipment installations including, but not limited to, pumps, motors, electrical transformers, cabinets, panels, and vaults, power, light, and telephone pole systems, heating, ventilation, and air conditioning(HVAC), irrigation controllers; telephone stations, emergency electrical generators, elevators, including hydraulic elevators, and lifts provided for handicapped accessibility.
- b. Repair and maintenance of traffic signals and associated appurtenant structures.
- c. Repair and maintenance of street lights.
- d. Repair and maintenance of all appurtenant equipment and facilities for outdoor recreation including, but not limited to, soccer, football, volleyball, basketball, baseball, and softball.

4. Topographical features

- a. Maintenance of grounds and landscaping by such means as mowing, trimming, weeding, fertilizing, aerating, and cutting.

- b. Control of plant growth and insects using pesticides and herbicides approved by the State Department of Agriculture and the EPA in accordance with manufacturer's instructions.
- c. Repairs due to natural and man-made incidents (rebuild eroded earth berms, clear fallen trees, etc.).

Exemption Class #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.

1. Structures

- a. Replacement or reconstruction of existing dwelling units and ancillary structures.
- b. Replacement or reconstruction of water storage tanks/reservoirs which are not substantially different in size or appearance.
- c. Replacement or reconstruction of buildings (parking structures, office buildings, maintenance buildings, etc.) for no substantial change in use.
- d. Replacement or reconstruction of retaining walls (sea walls not exempt).
- e. Replacement or reconstruction of slope stabilization structures.
- f. Replacement or reconstruction of pipe supports.
- g. Replacement or reconstruction of fencing and gates.
- h. Replacement or reconstruction of intake and collection boxes.
- i. Replacement or reconstruction of accessible ramps and guardrails.
- J. Replacement or reconstruction of exterior steps and stairways.

2. Facilities

- a. Replacement or reconstruction of essential utilities including, but not limited to, wastewater systems, drainage systems, water systems, electrical systems, solar water heating systems, communication systems, irrigation systems, and fuel systems which are not substantially different in size or appearance.
- b. Replacement or reconstruction of roadway systems and parking areas.
- c. Replacement or reconstruction of traffic control/safety facilities (signs, guardrails, striping, pavement markers, etc.).
- d. Replacement or reinstallation of equipment including, but not limited to, pumps, motors, electrical transformers, cabinets, panels, and vaults, power, light, and telephone pole systems, heating, ventilation, and air conditioning(HVAC), irrigation controllers, telephone stations, emergency electrical generators, and lifts provided for handicapped accessibility.
- e. Replacement or reconstruction of all appurtenant equipment and facilities for outdoor recreation including, but not limited to, soccer, football, volleyball, basketball, baseball, and softball.

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

- (A) Single-family residences less than 3,500 square feet 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 persons or less per structures, if not in conjunction with the building of two or more such structures; and
 - (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements
-
1. The construction of a single-family residence, not in conjunction with the building of two (2) or more such units, by students of a community college or technical school or under the sponsorship of a self-help housing program.
 2. The construction by students of a community college or technical school or under the sponsorship of a self-help housing program of a multi-unit structure with no more than four dwelling units if not in conjunction with the building of two (2) or more such structures.
 3. Construction and location of a single, new, small public or community facility structure including, but not limited to, those intended for recreational, meeting, administration, maintenance, operations, and safety and protection (e.g., police, fire, and emergency medical) less than 3,500 square feet in floor area not in conjunction with the building of two or more such units.
 4. Construction of new and/or alteration or modification of essential utilities, including but not limited to wastewater systems, water systems, drainage systems, electrical systems, street lighting systems, traffic control systems, communication systems, civil defense warning systems, irrigation systems, fuel systems, and appurtenances except where a State Department of Health permit is required.
 5. Construction of storage sheds, maintenance sheds, electrical sheds, pump houses, athletic equipment storage sheds, and portable modular buildings measuring less than 500 square feet in total area.
 6. Equipment installations including, but not limited to, pumps, motors, electrical transformers, cabinets, panels, and vaults, power, light and telephone pole systems, heating, ventilation, and air conditioning (HVAC), irrigation controllers, telephone stations, emergency electrical generators, and lifts provided for handicapped accessibility.
 7. Additions or new buildings or structures not exceeding 3,500 square feet.
 8. Construction of new and/or alteration or modification of carports or garages.
 9. Construction of new and/or alteration or modification of offices.
 10. Construction of new and/or alteration or modification of fencing, curbing, walls and gates.

11. Construction/installation of telephone, telemetering, SCADA, electrical and computer equipment and wiring.
12. All appurtenant equipment and facilities for outdoor recreation including, but not limited to, soccer, football, volleyball, basketball, baseball, and softball.
13. Creation of temporary staging areas during periods of construction.
14. Extensions, modifications, or additions to existing buildings and new, small equipment less than 3,500 square feet in floor area not in conjunction with the building of two or more such additions.
15. Minor street widening and improvements.
16. Trash enclosures and litter containers.
17. Covered walkways.
18. Traffic calming devices.
19. Security lighting of housing developments, structures, and parking lots.
20. Construction of handicapped accessibility improvements including walkways, stairways and ramps.
21. Construction of interior roadways, driveways, parking lots, and jogging and bicycling paths within existing housing developments.

Exemption Class #4: Minor alterations in the conditions of land, water, or vegetation

1. Vegetation trimming and planting.
2. Incidental clearing of land and preliminary site work for surveying, engineering design, and geologic and hydrologic studies.
3. Landscaping and installation of sprinkler systems.
4. Minor alterations to land for which grading permits are not required.
5. Chemical control of vegetation using herbicides and pesticides registered by the State Department of Agriculture and the EPA.
6. Clearing, grubbing, or grading of less than 100 cubic yards within existing housing developments or real property land-banked for residential development.
7. Lining short sections of stream banks for erosion control and slope stability.
8. Removal of trees that endanger life or property and non-significant trees in consultation with a certified arborist.
9. Minor site improvements.

Exemption Class #5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Basic data collection, research, experimental management, and resource evaluation activities necessary for housing projects and public facilities including, but not limited to, archaeological surveys, biological and ecological studies and surveys, chemical and bacteriological laboratory analysis, monitoring device installation, storm water runoff sampling and analysis, stream studies and surveys, mold testing, and topographical surveys.
2. Water sampling for water quality analysis purposes.
3. Water main location studies/infrastructure (water, sewer, drainage, utilities).
4. Leak detection data collection.
5. Surveying work.
6. Construction of monitoring well for data collection purposes as defined by the State Commission on Water Resource Management.
7. Soils investigation.
8. Geologic/Hydrologic investigation provided that such investigation involves non-invasive geophysical operations for testing and analysis or where the average surface area disturbed is less than one square foot.
9. Fire flow tests.
10. Energy studies, including hydrogenerator and alternative.
11. Planning data collection.
12. Design alternative analysis.
13. Communication/media surveys.

Exemption Class #6: Construction or placement of minor structures accessory to existing facilities (within existing property boundary, right-of-way, or easement)

1. Installation of exterior or security lighting for housing projects, public grounds, structures, and parking lots limited to shielded lights, cut-off luminaires, or indirect lighting, with no spotlighting or upward-aimed lighting.
2. Installation of safety and security fences, gates, and barriers to protect the general public from entering hazardous areas.
3. Construction or placement of temporary field buildings and construction field offices.
4. Installation of air conditioning units or enclosures.
5. Installation of accessible ramps and handrails.
6. Installation of children's play equipment.
7. Installation of plaques, sculptures, statues, or entry features.
8. Portable buildings for temporary use.
9. Steps and stairways.
10. Trash enclosures and litter containers.
11. As an accessory to existing facilities, construction or placement of energy facilities including, but not limited to, solar systems, energy storage systems, combined heat and power systems, and associated accessories.

Exemption Class# 7: Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

1. Interior alterations and renovations to housing projects and public facility buildings including, but not limited to, partitions, doors, counters, cabinets, shelving, plumbing, flooring, electrical systems, heating ventilation and air conditioning (HVAC) systems, and electrical conveyances that do not increase the floor area or change the occupancy.
2. Interior modernization or alterations to dwelling units including painting, flooring, alterations to make reasonable accommodations for persons with disabilities, and abatement of hazardous materials.
3. Alterations to existing staff offices and maintenance shops.

Exemption Class #8: Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §470, as amended, chapter 6E, HRS, or county-approved lists of historic sites.

1. Demolition of structures on public property, except those structures located on any historic site.
2. Demolition or removal of functionally obsolete or surplus housing units.
3. Demolition of buildings and structures prior to or concurrent with the construction of a new or replacement building or structure, except those structures located on any historic site.
4. The demolition of dilapidated, unsafe or dangerous buildings or structures required by building, housing or health codes and regulations.
5. Demolition of storage tanks/reservoirs.
6. Demolition of retaining walls.
7. Demolition of slope stabilization structures.
8. Demolition of drainage facilities.
9. Demolition of pipe supports.
10. Demolition of fencing and gates.
11. Demolition of intake and collection boxes.
12. Demolition of curbs, sidewalks and ramps.
13. Reuse or recycling of materials salvaged from the above-listed exempted activities, provided the materials salvaged are not reconstructed whole at another site.

Exemption Class #9: Zoning variances except shoreline set-back variances.

1. Building set-back variances.
2. Zoning variances for housing developments and public facilities, except shoreline setback variances.
3. Zoning variances for housing developments pursuant to Chapter 201H, HRS.

Exemption Class #10: Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

1. Purchase of supplies, services, and equipment required to support existing operations.
2. Subdivision and consolidation actions/condo property regime without change in existing land use.
3. Condemnation actions.
4. Acquisition, but not improvement, of property for public uses (including easements) and minor subdivision and consolidation of parcels necessary for acquisition of property for public use.
5. Disposition of land for development of housing projects.
6. Leasing of private land and/or existing structures, where there is no substantial change in use.
7. Acquisition and leasing of land under the 201H, HRS program and facilities/improvements acquired for continued use, provided that a site assessment is conducted.
8. Land exchanges including, but not limited to, transactions to correct existing roadway alignments and easement locations and title transfer with other State and County agencies involving no or minimal monetary consideration.
9. Acquisition of interests, including fee simple, quitclaim, easements, and leaseholds, in real property on which housing developments will be situated, provided that a site assessment is conducted.

Exemption Class #11: 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 that previously existing, and for which the legislature has appropriated or otherwise authorized funding.