

**Comprehensive Exemption List for the
County of Kaua'i, Department of Water**

Concurred with by the Environmental Council on _____, 2022

According to section 11-200.1-15, Hawai'i Administrative Rules, the Department of Water may declare the following types of actions exempt from the requirement to prepare an environmental assessment.

The Department of Water 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.

Part 1 – De Minimis: Routine activities and ordinary functions that do not have the potential to affect the environment more than negligibly, per HAR Section 11-200.1-16(a).

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: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical 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 Department of Water or located within the Department of Water right-of-way, which does not alter the structure's overall area or intended function.
2. Modification required to existing structures and equipment to meet new codes and regulations.
3. Repair and maintenance of buildings (office buildings, motor control buildings, maintenance buildings, dwellings, laboratory, etc.).

4. Repair and maintenance of retaining walls.
5. Repair and maintenance of storage tanks/reservoirs (does not include earthen reservoirs).

Part 2: Exemption Notice

1. Repair and maintenance of slope stabilization structures.

B. Facilities.

Part 1: De Minimis:

1. Operation, maintenance, minor alteration, or repair of existing facilities that are owned/maintained by the Department of Water or located within the Department of Water's right-of-way, which does not alter the facility's overall area or intended function.
2. Operations, repairs, or maintenance actions for compliance with OSHA requirements.
3. Repair and maintenance of roadway and pavement.
4. Repair and maintenance of traffic control/safety facilities (signs, guardrails, striping, pavement markers, etc.).
5. Repair and maintenance of fencing.
6. Repair and maintenance of curbs, sidewalks and ramps.
7. Repair and maintenance of pipelines and appurtenances (water mains, service laterals, meters, hydrants, valves, manholes, gauges).
8. Repair and maintenance of pipe supports.
9. Repair and maintenance of deep well and controls.
10. Repair and maintenance of booster pump and controls.
11. Repair and maintenance of chlorination and water treatment facilities/equipment.
12. Repair and maintenance of pressure reducing stations.
13. Repair and maintenance of drainage facilities.

Part 2: Exemption Notice

1. None.

C. Equipment.

Part 1: De Minimis:

1. Repair and maintenance of computer equipment.
2. Repair and maintenance of vehicles.
3. Repair and maintenance of electrical equipment.
4. Repair and maintenance of telephone equipment.
5. Repair and maintenance of air conditioning systems.
6. Repair and maintenance of radio equipment.

Part 2: Exemption Notice

1. None.

D. Topographical features.

Part 1: De Minimis:

1. Maintenance of grounds by such means as mowing, trimming and weeding.
2. 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.
3. Repairs due to natural and man-made incidents (rebuilding eroded berms, clearing fallen trees, etc.).

Part 2: Exemption Notice

1. None.

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. Replacement or reconstruction of pipe supports.
2. Replacement or reconstruction of fencing.
3. Replacement or reconstruction of curbs, sidewalks and ramps.

Part 2: Exemption Notice

1. Replacement or reconstruction of any damaged, deteriorated, or ineffective existing Department of Water owned/maintained structure, to its original or better condition as necessary to ensure structural integrity and public safety.
2. Replacement or reconstruction of buildings for no substantial change in use.
3. Replacement or reconstruction of retaining walls.
4. Replacement or reconstruction of storage tanks/reservoirs to equal size or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional storage for increased development.
5. Replacement or reconstruction of slope stabilization structures.

B. Facilities.

Part 1: De Minimis:

1. Replacement or reconstruction of pressure reducing stations.
2. Replacement or reconstruction of traffic control/safety facilities (i.e., signs, guardrails, striping, pavement markers).
3. Replacement or reconstruction of roadway and pavement.

Part 2: Exemption Notice

1. Replacement or reconstruction of pipeline and appurtenances (water mains, service laterals, meters, hydrants, valves, manholes, gauges) of equal size or to meet current demands, Water System Standards, fire flow standards and other operational requirements with no intention of providing additional flow for increased development.
2. Replacement or reconstruction of deep well pump and controls of equal size or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional supply for increased development.

3. Replacement or reconstruction of booster pump and controls of equal size or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional flow for increased development.
4. Replacement or reconstruction of drainage facilities.

Exemption 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 per structure, 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.*

A. Structures.

Part 1: De Minimis:

1. Installation/modification of fencing.
2. Construction/modification of existing buildings to comply with the Americans with Disabilities Act (ADA) requirements.
3. Construction/modification of cement rubble masonry, hollow block, reinforced concrete walls or retaining walls (not on the shoreline).
4. Construction/modification of slope stabilization structures.

Part 2: Exemption Notice

1. Construction/modification of control buildings.
2. Construction/modification of offices.
3. Construction/modification of storage tank/reservoir and appurtenances for purposes of improving water quality or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional storage for increased development. New storage tank capacity not to exceed 100,000 gallons.

4. Construction/modification of carports and garages.

B. Facilities

Part 1: De Minimis:

1. Installation/modification/extension of water meters and service laterals/connections.
2. Relocation of fire hydrants or fire standpipes to clear new construction such as a driveway, or to eliminate a hazardous condition.
3. Installation/modification of telephone, telemetering, SCADA, electrical and computer equipment and wiring.
4. Installation/modification of equipment in existing buildings, such as emergency electrical generators in existing water pump stations.
5. Alterations to water well pumping equipment including installation of control valves, chlorination systems or alterations of pumps.
6. Installation/modification of monitoring equipment and facilitators for measuring physical, chemical and biological parameters of water quality.
7. Installation/modification of site security upgrades including fencing, access controls, intrusion alarm systems, security camera and telemetry.
8. Modification of existing facilities to comply with the Americans with Disabilities Act (ADA) requirements.
9. Construction/modification of shelters for emergency generators at existing pump stations.
10. Installation/modification of signs.
11. Installation/modification of windows.
12. Installation/modification of air conditioning units and ventilation.
13. Installation/modification of electrical.
14. Installation of exterior lighting designed to minimize impact to wildlife and aesthetics. Exterior lighting will be 15 feet or less above ground level and shielded to minimize fugitive light.

15. Installation/modification of plumbing.
16. Door installation, alteration, relocation, or removal.
17. Shelving installation, alteration, relocation, or removal.
18. Furniture installation, alteration, relocation, or removal.
19. Construction/modification of guard rails.
20. Construction/modification of sidewalks and covered walkways.
21. Construction/modification of observation well shelters (kiosks).
22. Construction/modification of stream and rain gauging stations.
23. Construction/modification of utility connections for electricity, gas and sewage.

Part 2: Exemption Notice

1. Construction of new pipeline and appurtenances (water mains, service laterals, meters, hydrants, valves, manholes, gauges) for purposes of improving water quality or to meet current fire flow standards with no intention of providing additional flow for increased development.
2. Over-sizing new pipelines within existing right-of-way as allowed by Department of Water rules pertaining to extensions of mains.
3. Extension of existing waterlines to complete grid within existing right-of-way and easements.
4. Expansion of existing well and booster pump stations to master planned capacity, including installation of filtration, water treatment and additional pumping equipment and appurtenances, provided circumstances have not changed substantively from the time the master plan was prepared.
5. Construction of temporary emergency water production, transmission, and distribution facilities.
6. Installation/modification of pressure regulating equipment such as booster pumps, pressure reducers, pressure relief valves, etc. where the intent is to route water from one pressure zone to the next.
7. Installation of new fire hydrants.
8. Construction of small new buildings or additions at existing facilities.

9. Construction or placement of portable field buildings.
10. Construction or placement of temporary field buildings.
11. Installation/modification of filtration and water treatment equipment.
12. Installation/modification of temporary emergency water well pumping, filtration and water treatment equipment.
13. Installation of fuel tanks and appurtenances not to exceed 2,000 gallon capacity.
14. Installation/modification of monitoring devices.
15. Installation/modification of motor control centers and chlorinator buildings.
16. Construction of temporary emergency access roads.

Exemption Type 4: *Minor alterations in the conditions of land, water, or vegetation.*

Part 1: De Minimis:

1. Incidental clearing of land and preliminary site work for surveying, engineering design, and geologic and hydrologic studies.
2. Tree trimming and removal of trimmings, grubbing and mowing of lawn area, planting of trees, other plants and sods, and pruning of trees and shrubs.
3. Landscaping and installation of irrigation systems.
4. Minor adjustments for landscaping purposes or for leveling grounds for which grading permits are not required.
5. Temporary access roads with minimal grading and tree removal to repair and maintain existing facilities.

Part 2: Exemption Notice

1. Construction/installation of any facility/structure, located within or along a Department of Water owned/maintained property/easement not otherwise identified in this Exemption List.

Exemption 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. Water main location studies.
2. Water sampling for water quality analysis purposes.
3. Leak detection data collection.
4. Fire flow tests.
5. Surveying work.
6. Energy studies, including hydrogenator and alternative energy studies.

Part 2: Exemption Notice

1. Construction of a monitoring well for data collection purposes as defined by the State Commission on Water Resource Management.
2. Geologic/Hydrogeologic investigation.
3. Soils investigation.

Exemption 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 pipe supports.
2. Demolition of fencing.

Part 2: Exemption Notice

1. Demolition of buildings and structures.
2. Demolition of storage tanks/reservoirs (does not include earthen reservoirs).
3. Demolition of retaining walls.
4. Demolition of curbs, sidewalks and ramps.
5. Demolition of slope stabilization structures.
6. Demolition of drainage facilities.

7. Demolition of intake and collection boxes.

Exemption Type 7: *Zoning variances except shoreline setback variances.*

Part 1: De Minimis:

1. Building set-back variances.

Part 2: Exemption Notice

1. None.

Exemption Type 8: Continuing administrative activities.

Part 1: De Minimis:

1. Purchases of supplies, services, and equipment required to support existing operations.
2. Acquisition of land easements on which water system facilities and appurtenances are presently situated or under construction.
3. Right-of-entry agreements.
4. Subdivision and consolidation actions.
5. Condemnation actions.
6. Personnel-related actions.

Part 2: Exemption Notice

1. None.

Exemption 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 authorize funding.

Part 1: De Minimis:

1. None.

Part 2: Exemption Notice

1. None.

Exemption 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 Waikāki as the sole triggers for compliance with chapter 343, HRS; (b) As proposed conforms with the existing state urban land use classification; (c) As proposed is consistent with the existing county zoning classification 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 11-200.1-13(b)(11).*

Part 1: De Minimis:

1. None.

Part 2: Exemption Notice

1. None.