

**EXEMPTION LIST FOR THE
COUNTY OF MAUI**

HISTORICAL NOTE

This exemption list for the County of Maui was reviewed and concurred upon by the Environmental Council on January 10, 2007. This list also supersedes the previous list that was reviewed and concurred upon by the Environmental Council on April 26, 1995.

GENERAL NOTE

Section 343, HRS authorizes the Environmental Council to establish procedures to exempt specific types of action from the need to prepare an environmental assessment because the action will have minimal or no significant effect on the environment.

The following types of projects will not be exempt:

1. Project 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. Project 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 project 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 County of Maui 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. Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, herbiciding, clearing and grubbing, aerating, road clearing and patching, sweeping and seaweed removal of the following agency maintained lands and facilities:
 - a. Parks
 - b. Streets and highways, bikepaths, pedestrian ways, parking lots and appurtenances
 - c. Landscaped areas
 - d. Beach accesses
 - e. Municipal golf courses
 - f. Flood-control, erosion-control, and drainage facilities
 - g. Cemeteries
 - h. Beaches

2. Overhauling, repairing, repainting, cleaning, polishing, greasing, oiling, and servicing of the following agency facilities, structures, and equipment:
 - a. Existing buildings
 - b. Structures, including water and sewage handling and treatment systems and drainage systems
 - c. Stationary and mobile motorized equipment
 - d. Existing fences, curbing, walls and gates
 - e. Existing recreational facilities such as baseball dugouts, backstops, scorekeeper's booths, playground equipment, scoreboards, outdoor lighting, bleachers, field lighting, zoological gardens, botanical gardens, swimming pools, skate parks, tennis courts, athletic courts, accessible ramps and handrails, and bollards and vehicular access barriers
 - f. Existing maintenance structures including

- storage sheds, electrical sheds, electric panels, pumphouses, irrigation control panel sheds, garages, mechanic shops, telecommunication equipment and sheds less than four (4) feet in height, and plant nursery sheds and hothouses
- g. Traffic signals and associated appurtenant structures
 - h. Street lights
3. Resurfacing of existing streets, highways, parking areas, tennis courts, and athletic courts
 4. Repair and maintenance of existing legal non-conforming or permitted sea/retaining walls, which involve no expansion
 5. Operation, repairs and maintenance of existing cemeteries, including the digging and covering of new graves
 6. Repair and maintenance of established footpaths to beaches and beach accesses
 7. Relocation of cemetery grave contents that have been affected or threatened to be affected by erosion, as approved by State of Hawaii, Area Burial Councils
 8. Removal of domestic sewage from residential and commercial wastewater systems and the disposal of such material into municipal wastewater treatment facilities
 9. Removal of dirt, rock and debris from flood-control debris basins
 10. 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
 11. Clearing of earth berms, drainage swales, stream banks and streams including, but not limited to, those with direct outlet to the ocean
 12. Clearing and maintenance of areas for emergency

mitigation including, but not limited to, firebreaks, emergency landing zones, staging and operational sites

13. Construction staging areas

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.

This exemption class includes agency actions intended to meet the agency's goals and objectives by replacement in whole or in part, the following, provided there is little or no increase in capacity.

1. Drainage facilities, earth berms, and stream banks without historic value
2. Roadways, traffic control devices, accessible ramps and handrails, bollards and vehicle access barriers, driveways, parking lots, walkways, bikeways, jogging paths and multi-use pathways
3. Utility services, including sewer, water, drainage, electrical, communications, irrigation, and fuel systems, except where a State Department of Health permit is required
4. Equipment installations, including but not limited to, pumps; 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
5. Fencing, curbing, walls, and gates
6. All Parks and Recreation buildings, structures, athletic fields, athletic courts, botanical gardens, plant nurseries, and skate parks
7. Replacement or reconstruction of existing

structures and facilities under the Community Development Block Grant (CDBG) program

EXEMPTION CLASS 3

Construction and location of single, new small facilities or structures and the alteration and modification of 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 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, fences; and acquisition of utility easements.
 - 1. Additions or new buildings or structures, including canoe hale, not exceeding 3,500 square feet
 - 2. Extension of or installation of additional water and sewer laterals for a single or several residential units or commercial establishments
 - 3. Utility support systems for exempt landscaping projects
 - 4. Life Guard Towers
 - 5. Handicapped accessibility improvements, including walkways, stairways, and ramps

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. Essential utilities and new, small equipment, including, but not limited to, wastewater systems, drainage systems, water systems, electrical systems, communication systems, and irrigation systems
8. Recycling drop-off and redemption centers serving the surrounding residential community including, but not limited to, paving, fencing, containers for material, small equipment, and accessory or appurtenant structures used for storage and shelter, subject to general note #4
9. Bollards and vehicle access barriers
10. Minor street widening and improvements within existing or future County streets rights of way
11. Covered walkways
12. Traffic calming devices
13. Security lighting of public grounds (including parks), structures, and parking lots
14. Construction of storage sheds, maintenance sheds, electrical sheds, pump houses, and athletic equipment storage sheds, and portable modular buildings measuring less than 500 square feet in total area
15. Construction of playgrounds that do not require a building permit and related improvements
16. Construction of handicapped accessibility improvements including walkways, stairways,

and ramps

17. Construction of ballfield fencing, backstops, scorekeeper booths, dugouts, football goal posts, portable bleachers, soccer goals, scoreboards and other such recreational structures of a similar size
18. Construction of public transportation shelters and bus stops
19. 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

EXEMPTION CLASS 4

Minor alteration in the conditions of land, water, or vegetation.

1. Minor cut, fill, and grading of County property which does not exceed one hundred 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 minor cut, fill, and grading of County property which does 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
2. Landscaping alongside roadways, around buildings, and within parks, and beach accesses
3. Reinterment of burial remains as approved by State of Hawaii, Area Burial Councils
4. 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
5. Beach nourishment and sand dune restoration activities of less than 10,000 cubic yards of beach quality sand

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. Planning data collection
2. Field surveying
3. Design alternative analysis
4. Communication/Media Surveys
5. Lysimeters
6. Evapo-transpiration monitoring
7. Rain gauges
8. Sampling activities associated with existing monitoring wells, limited subsurface soil testing, and water quality testing
9. Archaeological reconnaissance studies, inventory surveys, and artifacts gathering conducted by an archaeologist licensed in the State of Hawaii and pursuant to the State Historic Preservation Office requirements

10. Construction, maintenance, and monitoring activities for groundwater wellheads and monitoring wells

EXEMPTION CLASS 6

Construction or placement of minor structures accessory to existing facilities.

1. Construction of sidewalks and curbs and gutters
2. Installation of 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 §470, as amended), or Chapter 6E, Hawaii Revised Statutes
3. Installation of safety and security fences, gates, and barriers to protect the general public from entering hazardous areas
4. 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
5. Construction of fences and athletic exercise and recreational equipment
6. Construction of telecommunication equipment and sheds less than four (4) feet in height
7. Installation of street lights, directional, informational, and regulatory signs, pavement markings, traffic signals, fire alarm systems, civil defense warning systems, and security systems
8. Installation of drains, sewers, and waterlines within streets, highways, and easements
9. Construction of ballfield fencing, backstops, scorekeeper booths, dugouts, football goal posts,

portable bleachers, soccer goals, scoreboards and other such recreational structures of a similar size

10. Construction of tents and temporary structures for use five years or less
11. Construction of interior roadways, driveways, parking lots, and jogging and bicycling paths within existing park facilities
12. Installation of Best Management Practices (BMPs) in accordance with Chapter 20.08, Maui County Code
13. Construction or placement of energy facilities including, but not limited to, solar systems, energy storage systems, and combined heat and power systems
14. Lighting of ball fields
15. Lighting of play courts
16. Lighting of streets and roadways

EXEMPTION CLASS 7

Interior alterations involving such things as partitions, plumbing, and electrical conveyances.

1. Interior alterations to building or structures that do not increase the floor area or change the occupancy

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 Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §470, as amended, or Chapter 6E, Hawaii Revised Statutes.

1. 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

2. The demolition of old, dilapidated, unsafe or dangerous buildings or structures required by building, housing or health codes and regulations
3. Demolition of a structure located within the historic districts of Maui County and the National Lahaina Historic Landmark District subject to the following criteria:
 - a. The structure does not have an archaeological, historic, architectural, or cultural significance to the historic district as determined by the State Historic Preservation Division, County Cultural Resources Planner, or the County Cultural Resources Commission; and
 - b. The structure is structurally unsound as certified by a Structural Engineer; or
 - c. The structure is determined a safety hazard to the public or environment, and the impacts of retaining the structure are determined greater than demolition
4. Demolition of a structure, as defined in Section 205A-22, Hawaii Revised Statutes, as amended, within the shoreline setback area subject to the following criteria:
 - a. The structure is structurally unsound as certified by a Structural Engineer;
 - b. Removal of the structure is determined as a mitigative measure to allow natural beach processes to occur; or
 - c. The structure is determined a safety hazard to the public or environment, and the impacts of retaining the structure are determined greater than removal

EXEMPTION CLASS 9

Zoning variances except: use, density, height, parking requirements

and shoreline setback variances.

1. Agency actions requiring all other zoning variances

EXEMPTION CLASS 10

Continuing administrative activities including, but not limited to, purchase of supplies and personnel-related actions.

1. Permit approvals issued in accordance with the applicable County Parks Permit Rules, Regulations, and/or Ordinances for the use of County Parks and Facilities
2. Granting to a person the privilege to conduct operations involving the sale of goods, wares, merchandise, or services to the general public including, but not limited to, food and beverage establishments, retail stores, motor vehicle rental operations, advertising, and communications and telecommunications services in or on an existing building or facility on land under the jurisdiction of the County
3. Leasing of private land and/or existing structures, where there is no substantial change in use
4. Acquisition and leasing of land under the Community Development Block Grant (CDBG) program and facilities/improvements acquired for continued use, provided that the County conducts a site assessment
5. 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