

**Comprehensive Exemption List
for the
State of Hawaii
Commission on Water Resource Management
Concurred with by the Environmental Council on January 5, 2021**

GENERAL NOTES

This exemption list for the Commission on Water Resource Management (Commission) was prepared in compliance with the 2019 revisions to the Hawaii Administrative Rules (HAR) §11-200. This revision separates exemption lists into categories listed in §11-200.1-16 (a)(1) and (2). Activities categorized as “Part 1” will fall under §11-200.1-16 (a) (1). Activities categorized as “Part 2” will require an exemption notice and fall under §11-200.1-16 (a) (2).

Hawaii Revised Statutes (HRS) Chapter 343 authorizes the Environmental Council to establish procedures to exempt specific types of action from the preparation of an environmental assessment because the action will have minimal or no significant effect on the environment. The Commission, through time and experience, developed the following exemption list identifying particular activities that fall within the exempt classes described in HAR §11-200.1 subchapter 8. All exemptions under subchapter 8 are inapplicable when the cumulative impact of planned successive actions 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.

Exemption Class 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.

PART 1

1. Operation, repair, or maintenance, of existing Commission structures and facilities, such as base yards, offices, cabins, sheds, and fencing.
2. Minor alterations and repairs required to bring existing buildings, structures, facilities, and equipment into compliance with current building codes and applicable federal and State regulations.
3. Repair and maintenance of existing bollards, walls, gates, fences, lighting, and other similar items necessary for the security or continued operation of a facility or structure.
4. Operation, repair, or maintenance of existing groundwater, surface water, or climatological monitoring equipment, and other similar monitoring and data collection equipment, and the structures that house or protect them.
5. Operation, repair, or maintenance of existing electrical, telemetry, or communications systems, and the structures that house or protect them.
6. Repair and maintenance of existing boardwalks, trails, and unpaved roads.

7. Maintenance of land and waters and existing groundwater, surface water, or climatological monitoring equipment, and other similar monitoring and data collection sites, to remove weeds, brushes, grass and other unwanted vegetation, rubbish, and debris.
8. Termite and pest control treatment using Environmental Protection Agency and State Department of Agriculture approved pesticides under the supervision of certified applicators, provided that treatment is limited to existing structures, facilities, or equipment.
9. Operation, repair, or maintenance of existing machinery, equipment, vessels, and vehicles used to support Commission operations.
10. Storage of construction equipment and materials for a limited period of time as necessary to support planned or existing construction or repair.
11. Interior alterations and renovations to offices, buildings, or structures that do not increase the floor area or change the maximum occupancy to include:
 - a. installation of office partitions, utility outlets or connections, air conditioning, lighting, and security systems;
 - b. renovations required to bring existing structures into compliance with current building codes and applicable health, safety, and access regulations;
 - c. renovations that will result in energy or other operational/cost savings; or
 - d. other similar interior alterations.

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.

PART 1

1. Replacement or reconstruction of existing bollards, walls, gates, fences, lighting and other similar items necessary for the security or continued operation of a facility or structure.
2. Replacement or reconstruction of existing machinery, equipment, vessels, or vehicles used to support Commission operations.
3. Replacement or reconstruction of existing Commission structures and facilities, including base yards, offices, cabins, sheds, and fencing.
4. Replacement or reconstruction of existing groundwater, surface water, or climatological monitoring equipment, and other similar monitoring and data collection equipment, and the structures that house or protect them.
5. Replacement or reconstruction of existing electrical, telemetry, or communications systems, and the structures that house or protect them.

6. Replacement or reconstruction of existing boardwalks, trails, and unpaved roads.
7. Replacement or renovation of existing landscaping or vegetation.

Exemption Class 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.

PART 1

1. Construction, placement, or installation of signage, pavement markings, or other similar structures.
2. Construction of security features, including fencing, gates, cameras, lighting, and other similar items.
3. Construction or placement of utilities (telecommunications, electrical, solar panels, drainage, waterlines, sewers) and related equipment (such as transformers, poles, cables, wires, pipes) accessory to existing groundwater, surface water, or climatological monitoring equipment and structures, and other similar monitoring and data collection sites.
4. Construction of walls, fencing, or screens around buildings, structures, facilities, or equipment on state lands.
5. Construction required to maintain or upgrade existing utilities.
6. Construction and location of new, small facilities or structures necessary to support or enhance safe and effective water resource management, such as sheds, storage buildings, equipment housing, or other similar structures.

PART 2

1. Construction on state lands of roadways with distances less than 1,000 yards and walkways.

Exemption Class 4

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

PART 1

1. Minor vegetation clearing and management, including mowing, pruning, trimming, and application of federal and state approved herbicides in conformance with label instructions.
2. Control of pests utilizing federal and state approved pesticides, herbicides, fungicides, and toxicants in conformance with label instructions.
3. Clearing, grading, and grubbing, for which grading permits are not required.
4. Establish temporary or permanent vegetative cover including trees, shrubs, grasses, and sod for landscaping, riparian habitat management, and stream protection; provided, however that this exemption shall not apply to vegetation that is likely to be invasive.
5. Construction, in accordance with established State standards, required to seal production or monitoring wells that have been permanently discontinued, that are unsealed, leaking, polluting, deteriorating in quality, uncontrollable, buried, or that are in such a state of disrepair that continued use is impractical or unsafe.

Exemption Class 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

1. Conduct surveys or collect data on existing environmental conditions (e.g., water flow, water quality, hydrologic conditions, geologic conditions, rainfall amounts, etc.).
2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.
3. Installation of new, small groundwater, surface water, or climatological monitoring and data collection equipment, structures that house or protect this equipment, and installation of electrical, telemetry, or communications systems to service these equipment or structures.
4. Construct or rehabilitate groundwater monitoring stations in accordance with established State standards, install groundwater monitoring equipment, and collect data.
5. Conduct topographic and location surveys.

PART 2

1. Construction of test wells with casing diameter of not more than 12 inches to provide ground truth for water resources investigations, the suggested size will enable the aquifer to be tested for physical, chemical, biological qualities, as well as providing a pumping test to determine the

specific capacity of the aquifer. Test wells shall not be developed to serve water unless an EIS or negative declaration is prepared.

Exemption Class 6

Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places.

PART 1

1. Demolition or removal of monitoring devices or other equipment, when such devices or equipment are no longer used or needed.
2. Sealing of production or monitoring wells, in accordance with established State standards, that have been permanently discontinued, that are unsealed, leaking, polluting, deteriorating in quality, uncontrollable, buried, or that are in such a state of disrepair that continued use is impractical or unsafe.
3. Demolition and removal of existing structures, facilities, utilities, and other improvements, except those structures located on any historic site as designated in the National Register or Hawaii Register as provide for in the National Historic Preservation Act of 1966, 16 U.S.C §§470 et. seq., as amended, or HRS Chapter 6E.

Exemption Class 8

Continuing administrative activities.

PART 1

1. Purchase of supplies, equipment, materials, motor vehicles, boats, and services.
2. Contracts for small purchases, professional services, competitive sealed proposals, competitive sealed bidding, or purchase of goods and services which are exempt from HRS Chapter 103D.
3. Requests for federal, state, county or private assistance grants to support ongoing operations or implement programs of the Commission.
4. Personnel-related actions.
5. Training, environmental interpretation, public safety efforts and other educational activities.
6. Conduct public meetings and hearings for the purpose of the collection and dissemination of public information, to discuss matters under the jurisdiction of the Commission, to develop administrative rules, guidelines or other public policy, and other similar purposes.
7. Actions that are intended to maintain or support the sustainability and management of water resources under the jurisdiction of the Commission, including regulation compliance, resources and environmental monitoring, debris or property removal, and other administrative and management measures.