

**EXEMPTION LIST FOR THE ANIMAL INDUSTRY DIVISION, QUALITY ASSURANCE DIVISION,  
AGRICULTURAL DEVELOPMENT DIVISION, AQUACULTURE DEVELOPMENT PROGRAM,  
AGRICULTURAL LOAN DIVISION, ADMINISTRATIVE SERVICES OFFICE, AND  
OFFICE OF THE CHAIRPERSON**

**DEPARTMENT OF AGRICULTURE  
STATE OF HAWAII**

**HISTORICAL NOTE**

This original exemption list for the animal industry division, quality assurance division, agricultural development division, aquaculture development program, agricultural loan division, administrative services office, and office of the chairperson in the Department of Agriculture was reviewed and concurred upon by the Environmental Council on 09/17/08.

**GENERAL NOTE**

Section 343-6(7), Hawaii Revised Statutes (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 probably have minimal or no significant effect on the environment. Pursuant to section 11-200-8(a), Hawaii Administrative Rules (HAR), the below-listed types of actions shall generally be declared exempt by the Department of Agriculture from requirements to prepare an environmental assessment.

As stipulated by section 11-200-8(b), HAR, all exemptions under the classes in this section 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.** Operation, repairs or maintenance of existing structures, facilities, equipment, or topographic features involving negligible or no expansion or change of use beyond that previously existing; rehabilitation to maintain existing buildings, laboratories, greenhouses, storage sheds, base yards, pens, cages, ponds/pools, tanks, automotive, maintenance, and treatment facilities, quarantine buildings, necropsy building, corrals, kennels, houses, and other structures and related facilities; repair of equipment and vehicles, and:

- a. Repair and maintenance of landscape, courtyard, parking lots, driveways, fences, sidewalks, walkways, air conditioning and trash enclosures.
- b. Repair and maintenance of waste treatment facilities.
- c. Removal or treatment of hazardous substances; removal, mitigation, stabilization or containment of mold, asbestos, radon, lead paint, or other controlled substances done in compliance with applicable State, Federal, and county health and safety laws, regulations, codes and ordinances.
- d. Operation, repair and maintenance of on-site propane and fuel systems for dishwashing, heating, food preparation and other associated purposes, in kitchen, building, kennels and locker rooms.
- e. Construction staging areas.
- f. Termite and pest control treatment using Environmental Protection Agency and State Department of Agriculture approved pesticides under the supervision of certified applicators.
- g. Modifications to existing buildings and equipment to meet government requirements such as the Occupational Safety and Health Act, Americans with Disabilities Act, County fire and safety codes, and Department of Health regulations.

**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. Replace or reconstruct security systems.

**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 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, workshops, greenhouses, booths, tents, patios, swimming pools, and fences; and, acquisition of utility easements.

1. Construction, location and alteration/modification of elevator conveyor system.
2. Any construction, alteration, modification, or installation of any structure, facility, equipment, or utility to meet governmental requirements given under the Occupational Safety and Health Act, County Building and Fire Codes, Americans with Disabilities Act, and Department of Health Regulations.

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

1. Predator control (including placement of approved toxic baits, kill traps, live traps, and snares) and using approved herbicides and pesticides. All use of chemicals follows label instructions or restrictions.

**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. Data collection and commodity surveys of crops, livestock, and aquacultural products.
2. Economic, biological, geographical, or ecological analysis, marketing studies and assessments, market impact and environmental impact research.
3. Monitoring device installation such as installation of instrumentation to measure quality of water coming from a particular water source.
4. Food monitoring and traceability data collection.
5. Site appraisal by any State agency or independent appraisal company for the State to determine the purchase or lease price of real property (including land, buildings, features, plants, crops, severance issues, etc) being considered under an acquisition, exchange, easement or lease agreement for a State facility or real property.

**Exemption Class #6.** Construction or placement of minor structures accessory to existing facilities.

1. Installation of safety and security fences, gates, and barriers to protect the general public from entering hazardous areas;
2. Construction of any building or structure within an existing site that does not require any off-site infrastructure improvements, including but not limited to: fences, walls, gates, parking lot, animal enclosures, irrigation systems, wheelchair ramps, and administration buildings.

3. Installation of exterior lights in already developed areas for security and safety purposes.

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

**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, as amended, or Chapter 6E, HRS.

1. 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.

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

1. Participation in agricultural trade shows, trade missions, trade conferences, and related marketing, survey, analytical, or research activities.
2. Issuing livestock, dog, cat, and avian entry permits, forms, passports, passes, and operational documents.
3. Euthanasia, disposal or burial of animal carcasses, and cleaning and disinfection associated with livestock and poultry disease control and eradication measures.
4. Disbursement and servicing of agricultural loans.
5. Personnel related actions.
6. Purchase of services-for-fee, and health management and diagnostic services.
7. Subdivision of property while maintaining zoning classification.
8. Purchase and maintenance of vehicles, equipment, and supplies.
9. Program administrative requirements, as set forth in Department of Agriculture statutes and administrative rules, including but not limited to:
  - a. Inspecting measurement standards and devices, petroleum products, and odometers;
  - b. Grading and classifying agricultural commodities and food products;
  - c. Regulating the packaging and labeling of agricultural commodities and food products; and
  - d. Advertising and marketing of agricultural products.
10. Actions necessary to comply with government requirements such as the Occupational Safety and Health Act and Title IX.