

**EXEMPTION LIST FOR THE  
DIVISION OF PLANT INDUSTRY  
OF THE  
DEPARTMENT OF AGRICULTURE  
STATE OF HAWAII**

**HISTORICAL NOTE**

This original exemption list for the Division of Plant Industry (Plant Industry Division) of 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 of the Plant Industry Division 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.** 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. Operations, repairs or maintenance of, or renovation to existing Plant Industry Division buildings,<sup>1</sup> laboratories, greenhouses, storage sheds, base yards, and other related structures, such as inspection, quarantine, marshaling, and eradication facilities, including, but not limited to:
  - a. Painting interior and exterior of structures.
  - b. Repair or replacement of roofs, walls, windows, screens, doors, outdoor decorations; and intruder security systems.
  - c. Repair and replacement of plumbing, electrical, ventilation and air conditioning system repair and replacement.
  - d. Repair, operation and maintenance of security systems, pumps and controls, pipes, ventilation systems, water control devices, and water obstacles to provide a level of security that prevents entry by native or indigenous species and prevents escape of organisms under quarantine or containment.

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<sup>1</sup> The Plant Industry Division has or shares structures and facilities with other Department of Agriculture programs or other state agencies at the following locations: Oahu – 1428 South King Street, Honolulu; 1849 Auiki Street, Honolulu; Honolulu International Airport; Hawaii – 16E Lanikaula Street, Hilo; Keahole Airport; Captain Cook – 82-6130 Mamalahoa Highway, Captain Cook, Hawaii; Maui – 635 Mua Street, Kahului ; Kauai – 4398A Pua Loke Street, Lihue. Exemptions declared for exemption classes #1 – 4 and classes #6 - 9 pertain to Plant Industry Division structures and facilities at the foregoing locations and at any other locations the Plant Industry may subsequently be assigned, lease, or share.

- e. Modification to existing buildings and equipment to meet governmental requirements, such as the Occupational Safety & 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. Replacement of structures including administrative offices, greenhouses, laboratories, containment facilities, inspection and quarantine buildings, and other structures.
2. Reconstruction of parking lots and sidewalks, provided the percentage of paved surfaces at each site remains the same or is less than prior to reconstruction.

**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, patios, swimming pools, and fences; and, acquisition of utility easements.

1. Construction or alteration of storage or packing sheds.

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

1. Landscaping along roadways, around buildings and within existing parks.
2. Control or removal of incipient and established pests, including noxious weeds, newly reported plants, arthropods, and plant pathogens that may become pestiferous, or vertebrates, especially reptiles and any other species listed as pestiferous pursuant to chapters 68, 69A, 70, 72, and 73, HAR, or listed as prohibited pursuant to chapter 4-71, HAR, whether control or removal is by chemical, biological, or mechanical means, provided that chemicals are used as prescribed by their approved labeling.

**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. Biological and ecological research, diagnostics, and surveys, including collection and identification of insect and microorganism species, soil investigations, water quality analysis.
2. Chemical and/or microbiological laboratory analyses.

3. Mixing of chemicals, production of solutions, and other small-scale chemical reactions under controlled laboratory conditions.
4. Collection, identification, and propagation of insect or microorganism species for testing for host range specificity and efficacy of potential biological control agents under containment conditions, as authorized pursuant to conditions stipulated on permits issued by regulating agencies.
5. Research programs and projects for the control, management, treatment, and eradication of incipient and established pests, including chemical and mechanical methods.

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

1. Storage sheds, containers, trash enclosures, and small structures less than 500 square feet.
2. Ornaments, fountains, statues, curbing, fences.
3. Installation of exterior lights in already developed areas for safety and security purposes.
4. Lines and faucets for water for site use only.
5. Placement of shipping containers and other portable containers to support existing marshalling and other operations.
6. Driveways or access roadways limited to not more than 500 feet in length and 15 feet in width to be used to service existing systems and facilities.

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

1. Interior alterations and renovations to Division of Plant Industry buildings.
2. Renovations and reconstruction in existing structures to conform to governmental requirements, such as the Occupational Health Safety Act, Americans with Disabilities Act, County fire and safety codes, and Department of Health regulations.
3. Installation of security lights and alarms within existing structures.
4. Expand utilities, as needed, in existing structures.

**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, or Chapter 6E, HRS.

1. Demolition of Department of Agriculture, Plant Industry Division structures, including fencing, drainage pipes, or headwalls, not functional or economical to remodel, except those structures

located on any historic site. (The Administrative Services Officer for Department of Agriculture must be consulted prior to any demolition at the Department's King Street complex to determine structures of historic interest.)

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

1. Zoning variances of Department of Agriculture, Plant Industry Division properties, except shoreline set-back variances.

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

1. Equipment, motor vehicle, and supply purchases to support existing operations.
2. Licensing pesticides and non-chemical pest control devices pursuant to sections 149A-13, and 460J-24.5, HRS, respectively, for use by the general public after review for potential environmental effects, including potential to leach to groundwater and impact on ecosystems.
3. Plant Quarantine Branch program administrative requirements, as set forth in chapter 150A, HRS, (plant, animal, and microorganism import) and HAR chapters 4-70, 4-71, 4-71A, 4-72, and 4-73, including but not limited to the following Department of Agriculture, Plant Quarantine Branch permits or other authorizations for import, export, or interisland transport that are subject to conditions established by rule or by the Board of Agriculture to minimize risk to agriculture, horticulture, the environment, or animal or public health.
  - a. Microorganism import permit  
(for microorganism import for purposes such as food and beverage processing; clinical laboratory diagnostics or quality control testing; medical and scientific research by qualified entities and universities in standard research settings; classroom instruction at universities or high schools; microbial products; algae research or algae cultivation and production for food, feed, or export for processing for uses such as cosmetics, food supplements, pharmaceuticals.)
  - b. Special permit for unlisted microorganisms  
(for import of moderate and above moderate risk microorganisms for purposes such as clinical laboratory diagnostics, medical and scientific research by qualified entities and universities in standard research settings, and cultivation of algae in enclosed or semi-closed systems.)
  - c. Emergency permit for microorganisms  
(for import of restricted or unlisted microorganisms for the purpose of remediating an emergency or disaster affecting agriculture, horticulture, the environment, animal or public health, or for emergency preparedness.)
  - d. Letter of authorization  
(for import of low risk microorganisms for purposes such as those listed in 3.a. and cultivation of algae, generally.)

- e. Registration  
(for import of manufactured products containing low-risk microorganisms for purposes such as bioremediation, or bioaugmentation, or of products that are biopesticides.)
- f. Non-domestic animal import permit  
(for import of animals such as live fish, crustaceans, shellfish, or marine invertebrates for direct sales as food or for aquaculture production for food, fish feed, pet trade (tropical fish); for animal import for purposes such as scientific research by qualified entities and universities in standard research settings; municipal zoo or aquarium exhibition; captive breeding programs by qualified entities; animal feed (mealworms and crickets); pet trade or individual possession.)
- g. Special permit for unlisted non-domestic animals  
(for import of unlisted non-domestic animals, such as a beneficial insect, for the purpose of remediating medical emergencies or agricultural or ecological disasters, or conducting medical or scientific research.)
- h. Short-term permit for performing animal  
(for short-term import for circus, commercial filming, performance or exhibition)
- i. Regulated plant import permit or authorization  
(for import of plant species designated by rule, such as orchids and bromeliads, that are suspect for harboring pests or diseases of concern and that require inspection, certification of pre-entry treatment, and/or point of origin, and/or quarantine, as provided by rule, prior to allowing entry.)
- j. Waiver or shortening of quarantine period  
(for import of specific regulated plants under certain conditions of importation or propagation procedure that have been determined appropriate to prevent introduction of insects, pests, and diseases.)