

**COMPREHENSIVE EXEMPTION LIST FOR THE
DIVISION OF AGRICULTURAL RESOURCE MANAGEMENT
DEPARTMENT OF AGRICULTURE
STATE OF HAWAII
MARCH 8, 2000**

Pursuant to Section 11-200-8, Hawaii Administrative Rules, the following types of action, 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 topographic features, involving negligible or no expansion or change of use beyond that previously existing.

The word "existing" means presently in use. The following enumerated actions shall not be undertaken: 1) if the structure, facility, equipment, or topographic feature is not owned, leased, set aside, or under the legal control of the Department of Agriculture and the Agribusiness Development Corporation; or 2) if the structure, facility, equipment or topographic features have been abandoned.

1. Repairs or rehabilitation which are necessary to maintain existing infrastructure improvements and facilities used in the agricultural parks at Pahoehoe, Panaewa, Hamakua, and Keahole -- all on Hawaii; Waianaeh, Kahuku, Waimanalo, Kalaeloa, and Royal Kunia - all on Oahu; Lanai Agricultural Park on Lanai; Molokai Agricultural Park on Molokai; and Kekaha on Kauai; also in agricultural product processing and marshalling plants at Kula, Maui; Molokai Cooling Plant on Molokai; Maunawili Experimental Station on Oahu; and Kamuela, Honalo, Hamakua, and Panaewa -- all on Hawaii. Removing of trees, shrubbery, and other foliage which are threatening to damage the existing infrastructures. Performing routine preventive maintenance trimming of brush and branches; and removing sediment and debris to keep access clear.
2. Repairs which are necessary to keep in useful condition existing roads, drainage improvements, street lights and roadway structures or facilities, other subdivision improvements installed in accordance with County subdivision Ordinances.
3. Repairs or rehabilitation to maintain existing buildings, control buildings, warehouses, storage or paint sheds, baseyards, grounds, and other related facilities being used in the administration, operation and maintenance of the agricultural parks and agricultural processing and marshalling facilities.
4. Repair, operate and maintain pumps and controls, pipes and other water control devices in the same location in order to provide service to existing agricultural parks and agricultural processing and marshalling facilities. Repair existing electrical, electronic or telemetering systems used to control or operate facilities, equipment, and appurtenances in the existing infrastructures.

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5. Repairs which are necessary to maintain existing structures and facilities used in the irrigation systems at Waimanalo, Waiahole, and Kahuku, Oahu; Waimea-Lalamilo and Lower Hamakua Ditch (Honokaa-Paauilo), Hawaii; Upcountry (Kula), Maui; Kekaha, Kauai; and Molokai. Cutting of trees which are threatening to damage existing structures, facilities and waterways in the irrigation systems. Performing maintenance trimming of brush, removing and depositing sediment and debris in order to open the waterways for irrigation systems. Provided that the action of removing and depositing sediment and debris shall be limited respectively to removing from existing waterways and depositing within the right-of-ways of such waterways.

6. Repairs which are necessary to maintain in a useful condition the existing access roads and road structures (such as culverts and bridges) to the minimum width required for the operation of vehicles used in the operation and maintenance of irrigation systems. These actions do not exempt the Division of Agricultural Resource Management from required permits and other regulatory requirements of federal, state, or county agencies.

7. Repairs which are necessary to maintain existing office buildings, control buildings, warehouses, paint sheds, baseyards, grounds, water treatment plants, and other existing facilities used in the existing water systems.

8. Repair, operate and maintain existing pumps and controls, pipes and channels in the same location in order to maintain service in existing water systems. Repair existing electrical and telemetering systems used to operate water facilities, equipment, and appurtenances in existing water systems. Repair existing diversions and intake structures, including valves, gates, and intake boxes. These actions do not exempt the Division of Agricultural Resource Management from required permits and other regulatory requirements of federal, state, or county agencies.

9. Modification required to existing buildings and equipment to meet new codes and regulations, i.e., Occupational Safety & Health Administration, building, fire, security, accessibility for the handicapped, environmental compliance, etc.

10. Request to the Department of Land and Natural Resources for setting aside of State lands by Governor's Executive Order to the Department of Agriculture and for award of land leases and permits. This exemption applies only to:

- a. land designated by the Land Use Commission for agricultural use and not Conservation District land;

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- b. existing parcels and not new, raw land;
- c. tracts of land less than 25 acres;
- d. the award of leases and permits and not to the use of land.

11. Request to the Department of Land and Natural Resources for transfer of State lands by Governor's Executive Order between the Department of Agriculture and other State agencies and for award of land leases and permits. This exemption applies only to:
- a. land designated by the Land Use Commission for agricultural use and not Conservation District land;
 - b. existing parcels and not new, raw land;
 - c. tracts of land less than 25 acres;
 - d. the award of leases and permits and not to the use of land.

12. Leases and permits of agricultural parks and other §171-11, HRS, set aside State lands for continuing agricultural and aquaculture uses.

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, provided that the facility, structure, pipe, intake, pump, channel, or other related appurtenances have not been abandoned.

- 1. Replace or reconstruct existing infrastructures of agricultural park subdivisions and processing, research/educational, and marshalling facilities in the same location and to a size or capacity commensurate with the existing facility and capacity to provide the same services.
- 2. Replace or reconstruct existing roads and road structures to the required County regulation when the condition of such roadways have become damaged or destroyed by natural or man-made catastrophes, (i.e., fire, vehicle accidents, power outages, pipeline breaks, etc.).
- 3. Replace, reconstruct or renovate existing structures, buildings and facilities for the same purposes as their existing use in the agricultural parks, irrigation systems, agricultural processing, research/educational, and marshalling facilities. Replace or reconstruct drainage, security fencing, and other exterior facilities which may be damaged by natural or man-made catastrophes.

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4. Replace or reconstruct existing electrical, electronic and telemetering systems to perform the same operational tasks of operating water and mechanical systems, equipment, and appurtenances in the agricultural parks, irrigation systems and agricultural processing and marshalling facilities.
5. Replace or reconstruct existing pumps and controls, pipe and channels in the same location and to a size commensurate with the existing system and source capacities to provide service in existing water systems.
6. Replace or reconstruct existing roads and road structures to the minimum width required for the operation of vehicles used in the operation and maintenance of water systems. Roads shall be single-lane with passing turnoffs approximately one mile apart or at the beginning and end of dangerous sections or streams or gully crossings.
7. Replace or reconstruct existing structures, buildings and facilities to the same size and for the same purpose as their existing use in the irrigation systems at Waimanalo, Kahuku, and Waiahole, Oahu; Waimea-Lalamilo and Lower Hamakua Ditch (Honokaa-Paauilo), Hawaii; Upcountry, Maui; Kekaha, Kauai; and Molokai. Replace or reconstruct existing electrical and telemetering systems to perform the same operational tasks of operating water facilities, equipment and appurtenances in existing water systems.
8. Reconstruction of existing diversions and intake structures, including valves, gates, and intake boxes in order to collect or improve the collection at the location of the existing water source diversion works. This action shall not exempt the Division from permit requirements and other regulatory requirements of federal, state, or county agencies.

EXEMPTION CLASS 3: Construction, location and alteration/modification of single, new, small Departmental facilities or structures or accessory buildings; installation, alteration and/or modification of small, new equipment and appurtenant and support facilities.

1. Construct appropriate structures not exceeding 1,000 square feet on the Department of Agriculture property and modify/alter the Department of Agriculture buildings to house utility or irrigation system components such as pumps, transformers, electric or electronic controls, instruments and monitoring devices, etc.
2. Construct/modify/alter carports and specialty storage facilities, such as paint sheds

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or instrument housing, on the Department of Agriculture property.

3. Installation of security, system control and data acquisition (SCADA), and safety equipment.
4. Irrigation or power connections no longer than 200 feet in length and having a pipe diameter of 6 inches or less, within State and County highway or road easements, which are only for lands under Departmental control, for Departmental facilities or for existing lessees.

EXEMPTION CLASS 4: Minor alterations in the conditions of land, water, or vegetation.

1. Regrading of individual agricultural park lots for maintenance purposes. Cleaning and grubbing of drainage swales, ditches and facilities after storm periods and redisposing of such material onto the agricultural parks. Provided that this action shall be limited to the size of each individual agricultural park lot or in the case of irrigation system facilities, not more than 3 acres or the size of the existing reservoir.
2. Clearing, grubbing or dredging of sediment or waste ponds for normal maintenance of accumulated material provided that all material removed from the ponds is deposited back onto the farm and none are hauled away and further provided that this action shall be limited to not greater than one acre and not more than five cubic yards.
3. Construction required to seal artesian wells which have been abandoned or are leaking. This is a positive means of preventing the wastage of ground water supplies.

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. Construction of Gaging Stations to measure streamflow and flood crest in streams in accordance with the prescribed method and practices of the U.S. Geological Survey. Installation of Climatological stations to collect data on climatology, all in accordance with the method and practices of the National Weather Service.
2. Construction of test wells not more than 8 inches in diameter to provide ground truth for water resources investigations. The suggested size will enable the aquifer to be

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tested for its 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, provided, however that test well sites be limited to urban areas or areas which do not contain environmentally sensitive resources. All other sites shall require an environmental assessment under Chapter 343, HRS.

EXEMPTION CLASS 6: Construction or placement of minor structures accessory to existing facilities.

The Division defines "minor structures" to mean a facility put up for a specific use, period of time, temporary purpose, and to support operations. Examples include electrical power panels, shelters to cover portable pumps, canopies over open trenches, wood shed to provide the cutting, shaping, or fabrication of wooden flumes or to put together a piece of equipment.

The Division defines "accessory" to mean a facility that supports operation, is needed to complete the work, and usually for a specific use. Examples are toilets during work within watershed areas, fenced areas to store equipment, poles or frames to allow temporary power hookups, pipe supports to remove water from excavation and scaffolding to paint high tanks, flumes and structures.

1. Construction of temporary storage or packing shed on individual agricultural park lots. Placement of excess materials and goods within the agricultural processing and marshalling facilities. Placement of shipping containers and other portable containers to support existing marshalling operations. The Division defines "temporary" to mean for a period not to exceed the purpose of the storage or packing period and not longer than one year with a shed size not greater than 300 square feet.
2. Construction of livestock fencing, enclosures and feed/water troughs to replace existing facilities at Hamakua Agricultural Park only, provided, however that the action be limited to hold no more than 500 animals per day.
3. Construction of enclosures for security of equipment and vehicles within the agricultural processing and marshalling facilities.
4. Minor driveways or access roadways, limited to not more than 500 feet in length

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and 15 feet in width and to be used only to service existing irrigation systems, agricultural parks and processing and marshalling facilities.

5. Installation of exterior lights in already developed areas for security and safety purposes.
6. Water tanks with less than 10,000 gallon capacity.
7. Roof top water catchments.
8. Lines and faucets for water for site use only.
9. Alteration of exiting access to pumps, water reservoirs, drainage structures and other appurtenances within the agricultural parks and agricultural processing and marshalling facilities in order to improve accessibility.

EXEMPTION CLASS 7: Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

1. Renovations and reconstruction to conform to disability access regulations and OSHA laws in existing structures of the agricultural parks and agricultural processing and marshalling facilities.
2. Installation of security lights and alarms within existing structures of the agricultural processing and marshalling facilities.
3. Normal removal and replacement of windows, doors, and other building accessories due to wear and tear, including repainting of structures.
4. Fencing for water facilities.
5. Expand utilities as need dictates in existing structures.

EXEMPTION CLASS 8: Demolition of structures, except those 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.

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- 1. Removal of damaged structures or portions of roofs or walls which were caused by natural or manmade catastrophes.**
- 2. Demolish roadway paving and security fencing damaged by natural catastrophes. Removal of drainage pipes or headwalls damaged by heavy stormflows.**

As stipulated in Section 11-200-8(b), Hawaii Administrative Rules, all exemptions under this list are inapplicable when the cumulative impact of planned successive actions of the same types, 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.