

COMPREHENSIVE EXEMPTION LIST for the  
STATE OF HAWAII DEPARTMENT OF DEFENSE  
As approved by the  
Environmental Council

October 25<sup>th</sup>, 2018

The Department of Defense (DOD) is comprised of the following:

- Hawaii Air National Guard (HIANG)
- Hawaii Army National Guard (HIARNG)
- Office of Veteran Services (OVS)
- Hawaii Emergency Management Agency (HI-EMA)
- Hawaii Youth Challenge Academy (YCA)
- Office of Homeland Security (OHS)

HISTORICAL NOTE

The exemption list contained herein reflects a revision to the August 9, 2001 exemption list for the Department of Defense (DOD), comprising of the Hawaii Army National Guard, Hawaii Air National Guard, Office of Veterans Services, Hawaii Youth Challenge Academy, Hawaii Emergency Management Agency, and the Office of Homeland Security.

DEPARTMENT-WIDE EXEMPTION LIST

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

The following types of projects will not be exempt:

1. Projects requiring detailed analyses as provided in an environmental assessment under Section 343-5, HRS. These include, but are not limited to places listed on the Federal or State registers of historic places.
2. Projects 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 define 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 projects without a program to encourage public input into the design or siting of the project.

Pursuant to Section 11-200-8(B), Hawaii Administrative Rules (HAR), all exemptions under the classes in this section are inapplicable 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 particularly 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, HAR, Department of Defense 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 [HAR §11-200-8 (a) (1)].

Facilities & Equipment:

1. Staging and storage of construction equipment and materials for a limited period of time as necessary to support repair/maintenance of buildings, structures or facilities.
2. Repair and maintenance of buildings, facilities, structures (e.g. columbaria, works of art, etc.), airfields, and grounds. Examples include, but are not limited to: Minor upgrades to bring buildings into compliance with applicable building codes, Americans with Disability Act requirements, Anti-Terrorism Force Protection Standards as well as DOD requirements and guidelines.
3. Repair and maintenance of historic buildings to maintain historic integrity. General actions involving the rehabilitation and/or restoration of buildings eligible for the national or state register, or to buildings contributing to historic districts and/or national historic landmarks, provided the department obtains concurrence from the Hawaii State Historic Preservation Division (SHPD).
4. Repair and maintenance of utilities/systems, including but not limited to: electrical systems (e.g. power, telecommunication, lighting, etc.), gas systems, water and sewage systems (e.g. irrigation, utility lines, sanitary sewer), Heating Ventilation and Air Conditioning (HVAC) systems, fire suppression/alarm systems, security systems, disaster preparedness systems (e.g. sirens), drainage systems, and renewable energy systems.
5. Repair and maintenance of site furnishings and auxiliary structures, including but not limited to: Oil/water separators, grease traps, cesspools, above ground storage tanks, underground storage tanks, underground injection wells, emergency electrical generators, elevators and lifts, flagpoles, bollards, walls, fences, gates, signage

(directional, informational, regulatory, etc) overhead conveying systems, infiltration basins, and indoor firing ranges etc., and other similar structures, infrastructure, equipment, fixtures, devices and the appurtenant support facilities.

6. Repairs and maintenance of roads, walkways, bike paths, ramps, bridges, driveways, curbs, guardrails and parking areas. Examples include, but are not limited to: cleaning, regrading, repaving, resurfacing, infilling, sealing, grooving, cleaning, chipping, striping, painting, and patching.
7. Repair and maintenance of trails, unpaved roads, training areas and firebreaks; including but not limited to: Clearing the roadside of brush, grasses and weeds; resurfacing a road to its original condition; pruning vegetation, removal of dead, diseased or damaged trees and clearing culverts; and minor soil stabilization activities.
8. Repair and maintenance of streams, wells, water diversions, drainage ways, intake structures water tanks, water catchment basins, water units, pumps, controls, pipes, channels, dikes, and ditches or other rainwater conveyance structures (in accordance with USACE permit authority under Section 404 of the Clean Water Act and applicable state and local permits), and erosion control and storm water control structures, including spill prevention berms/curbs/barriers.
9. Routine repair and maintenance of state veterans Cemeteries, including the digging and covering of new graves, repair and leveling of existing sunken graves, and the leveling and realignment of grave markers, head stones, and section markers.
10. Removal of boulders, rocks, failing and spalling cementitious finish materials, hazardous trees, debris, and other similar hazards, and the necessary repairs, to maintain safe conditions.
11. Repair and maintenance of automobiles, military vehicles, machinery, equipment, and military aircraft used to support Departmental operations. Repair and maintenance operations include, but are not limited to: Sanding and painting, lubrication and major service at approved DOD facilities.

Environmental/Hazardous Material Actions:

12. Ecosystem restoration activities using native trees and vegetation, including invasive plant species removal, clearing, grading, grubbing, seed collection and maintenance of tree and shrub species (e.g. pruning, planting, mowing, weeding, temporary irrigation, and removal of dead, diseased, or damaged trees).
13. Landscaping alongside roadways, around buildings, and within existing Department property, including, but not limited to, planting of groundcover, grass, shrubs, and trees, sodding of bare areas for dust and erosion control. Trimming and pruning of trees.

14. Conducting pest management using Environmental Protection Agency and State Department of Agriculture approved pesticides. Removal of invasive and non-native vegetation and noxious weeds utilizing cutting, mowing, application of federal and state approved herbicides in conformance with label instructions, and distribution of biocontrol agents approved by the State of Hawaii, and other approved methods.
15. Use of gauging devices, analytical instruments, and other devices containing sealed radiological sources; use of industrial radiography; use of radioactive material in medical practices; possession of radioactive material incident to performing services such as installation, maintenance, leak tests, and calibration; use of uranium as shielding material in containers or devices; and radioactive tracers.
16. Immediate responses in accordance with emergency response plans (for example, Spill Prevention Control and Countermeasure Plan (SPCCP)) for release or discharge of oil or hazardous materials/substances; or emergency actions taken by Explosive Ordnance Demolition (EOD) detachment or Technical Escort Units.
17. Routine management, to include transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, radiological and special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance), and/or hazardous waste that complies with EPA, Army or other regulatory agency requirements. This exemption is not applicable to new construction of facilities for such management.

DOD Actions/Training:

18. Special events and occasions (e.g. Veterans Day, Memorial Day, funerals, etc.), to include flyovers. Flyovers not to exceed 10 per calendar year. Army and/or Air Guard participation in established air shows sponsored or conducted by non-Army entities on other than Army property.
19. Clearing and maintenance of areas for emergency mitigation, training and access including, but not limited to: Emergency landing zones, and properly staged operations and staging sites.
20. Firing of weapons (e.g. small-caliber, hand held rifles, artillery guns, etc) on approved firing ranges only, on a daily basis during annual training, inactive duty training and innovative readiness training.
21. Operating small units and maneuvering troops and tactical vehicles (including other equipment) at approved training areas on a daily basis during annual training, inactive duty training and innovative readiness training.
22. Moving equipment and personnel to and from facilities for the purpose of training, operations, and delivering equipment.

23. Emergency or disaster assistance provided to federal, state, county and other entities.
24. Simulated war games (classroom setting) and on-post tactical and logistical exercises involving units of battalion size or smaller, and where tracked vehicles will not be used. Training entirely of an administrative nature.
25. Intermittent on-post training activities (or off-post training covered by an ARNG land use agreement) that involve no live fire or vehicles off established roads or trails. Uses include, but are not limited to, land navigation, physical training, Federal Aviation Administration (FAA) approved aerial overflights, and small unit level training.
26. Infrequent, temporary (less than 30 days) increases in air operations in compliance with FAA regulations.
27. Flying activities in compliance with FAA regulations and in accordance with normal flight patterns and elevations for that facility, where the flight patterns and elevations have been addressed in U.S. Army Garrison Local Flying Rules, as well as the Hawaii Airports and Flying Safety Guide that have been subject to NEPA public review.
28. Testing of Disaster Warning Sirens, and Hawaii Emergency Management systems.
29. Mitigation of hazardous conditions that present imminent danger as determined by the Department of Defense and that are necessary to protect public health, safety, welfare, or public trust resources.
30. Non-construction activities in support of other agencies/organizations involving community participation projects and law enforcement activities.
31. Acquisition, installation, and operation of utility and communication systems, mobile antennas, data processing cable and similar electronic equipment that use existing right-of-way, easement, distribution systems, and/or facilities.

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 [HAR §11-200-8 (a) (2)].

Facilities & Equipment:

1. Staging and storage of construction equipment and materials for a limited period of time as necessary to support replacement/reconstruction of buildings, structures or facilities.
2. Replacement or reconstruction of buildings, facilities, structures, airfields, and

grounds. Examples include, but are not limited to: Readiness centers, ranges, hangars, emergency operations centers, administrative buildings, maintenance shops, landing zones, billets, training and recreational areas, grounds, motor pool, disaster warning sirens and HI-EMA systems, veterans cemeteries, etc., and other similar structures, and the appurtenant support facilities and structures. Replacement or reconstruction to bring buildings into compliance with applicable building codes, Americans with Disability Act requirements, Anti-Terrorism Force Protection Standards as well as DOD requirements and guidelines.

3. Replacement or reconstruction of existing buildings, building components, facilities and structures necessary to provide protection against natural disasters and changing environmental conditions (e.g. hurricane force winds, torrential rain, sea level rise, flooding, etc.) such as the replacement of existing doors/windows, and modification to building foundations to raise or reinforce. This does not exempt the replacement or reconstruction of seawalls.
4. Replacement or reconstruction of utilities/systems, including but not limited to: electrical systems (e.g. power, telecommunication, lighting, etc.), gas systems, water and sewage systems (e.g. irrigation, utility lines, sanitary sewer), Heating Ventilation and Air Conditioning (HVAC) systems, fire suppression/alarm systems, security systems, disaster preparedness systems, drainage systems, and renewable energy systems. In order to minimize adverse impacts to seabirds, external lighting shall be only of the following types: Shielded lights, cut-off luminaries, or indirect lighting. Spotlights aimed upward or spotlighting of structures or physical features are not exempt.
5. Replacement or reconstruction of site furnishings and auxiliary structures, including but not limited to: Oil/water separators, grease traps, cesspools, above ground storage tanks, underground storage tanks, underground injection wells, emergency electrical generators, elevators and lifts, flagpoles, bollards, walls, fences, gates, signage (directional, informational, regulatory, etc) overhead conveying systems, infiltration basins, and indoor firing ranges etc., and other similar structures, infrastructure, equipment, fixtures, devices and the appurtenant support facilities.
6. Replacement or reconstruction of roads, walkways, bike paths, ramps, bridges, driveways, curbs, guardrails, parking areas, trails, unpaved roads and training areas.
7. Replacement or reconstruction of wells, water diversions, drainage ways, intake structures, existing water tanks, water catchment basins, water units, pumps, controls, pipes, channels, dikes and ditches or other rainwater conveyance structures (in accordance with USACE permit authority under Section 404 of the Clean Water Act and applicable state and local permits), and erosion control and storm water control structures, including spill prevention berms/curbs/barriers.
8. Replacement or reconstruction of automobiles, military vehicles, machinery, equipment, and military aircraft used to support Departmental operations.

9. Replacement or reconstruction of existing structures and features on historic buildings and/or buildings contributing to a historic district, as approved by the State Historic Preservation Division.

DOD Actions/Training:

10. Replacement or reconstruction of grave markers, headstones and section markers at state veterans' cemeteries.
11. Replacement, reconstruction and relocation of cemetery grave contents at state veterans cemeteries that have been affected or are threatened by erosion, according to regulations for the Native American Graves Protection and Repatriation Act (NAGPRA, 43 CFR Part 10), and per guidelines provided in Hawaii Administrative Rules Chapter 13-300, as approved by the Island Burial Councils.
12. Replacement or reconstruction of existing helispots, airport runways, airport aprons, and other similar structures and the appurtenant support facilities and structures.

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 2 or more such units; (b) multi-unit structures designed for not more than 4 dwelling units if not in conjunction with the building of 2 or more such structures; (c) stores, offices, and restaurants designed for total occupant load of 20 persons or less per structure, if not in conjunction with the building of 2 or more such structures; and (d) water, sewage, electrical, gas, telephone, and other essential public utility service extensions to serve such structure or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements [HAR §11-200-8 (a) (3)].

Facilities & Equipment:

1. Staging and storage of construction equipment and materials for a limited period of time as necessary to support construction of buildings, structures or facilities.
2. Construction and location of new facilities or structures, not to exceed 3,500 sq. ft. Examples include but not limited to: guard shacks, building additions, storage sheds, oil/water separators, grease traps, above ground storage tanks, underground storage tanks, underground injection wells, emergency electrical generators, elevators and lifts, flagpoles, bollards, walls, fences, gates, signage (directional, informational, regulatory, etc) overhead conveying systems, infiltration basins, and indoor firing ranges etc., and other similar structures, infrastructure, equipment, fixtures, devices and the appurtenant support facilities.
3. Construction and location of new utilities/systems to serve new facilities as listed above, including but not limited to: electrical systems (e.g. power, telecommunication,

lighting, etc.), gas systems, water and sewage systems (e.g. irrigation, utility lines, sanitary sewer), Heating Ventilation and Air Conditioning (HVAC) systems, fire suppression/alarm systems, security systems, disaster preparedness systems, drainage systems, and renewable energy systems. In order to minimize adverse impacts to seabirds, external lighting shall be only of the following types: Shielded lights, cut-off luminaries, or indirect lighting. Spotlights aimed upward or spotlighting of structures or physical features are not exempt.

4. Construction or modification of roads, walkways, bike paths, ramps, bridges, driveways, curbs, guardrails and parking areas.
5. Construction of memorial structures, columbaria and Works-of-Art.
6. Alteration and modification of existing buildings or structures, with minimal change to footprint, size and environmental impact of buildings or structures.
7. Construction and location of drainage swales and structures and other similar surface runoff management techniques with minimal or no effect on the environment. This does not exempt the construction of seawalls.

Environmental/Hazardous Material Actions:

8. Construction or modification of monitoring and data collection equipment, structures that house or protect this equipment (e.g. groundwater, climatology, endangered species, etc.), and installation of electrical, telemetry, or communications systems to service this equipment.
9. 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 its physical, chemical, biological qualities, as well as providing a pumping test to determine the specific capacity of the aquifer.

DOD Actions/Training:

10. Construction or modification of satellites and/or antennas for DOD operations, provided that such installation does not occur in the State Land Use Conservation District (or pre-approval will be given by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands to construct) and are in conformance with Federal, State law and County ordinances.
11. Construction of concrete pad(s) for staging equipment used for DOD training and military readiness. Concrete pad(s) not to exceed 3,500 square feet.
12. Installation of disaster warning sirens, emergency system facilities, weather ports, radio repeaters and other similar communications equipment and related infrastructure.



EXEMPTION CLASS #4: Minor alteration in the conditions of land, water, or vegetation [HAR §11-200-8 (a) (4)].

Facilities & Equipment:

1. Installation of in-ground precast concrete burial crypts in areas that have been identified as a cemetery, including grading and re-grassing of the area.
2. Removal or filling of decommissioned cesspools with required permit, and unused or unusable cesspools pursuant to federal and state regulations.
3. Clearing, grubbing, grading, excavation and backfilling in accordance with Federal, State, and County standards.
4. Sealing and/or filling of wells, in accordance with federal and 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.

EXEMPTION CLASS #5: Basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource [HAR §11-200-8 (a) (5)].

Facilities & Equipment:

1. Conduct subsurface investigations (e.g. soil borings).
2. Studies, data collection, and monitoring that do not involve major surface disturbance. Examples include, but are not limited to: Topographic surveys, drainage and percolation studies, traffic surveys, air and/or water quality surveys, noise surveys, bird surveys, archaeological surveys, wetland mapping, flora and fauna surveys, grave surveys and other resources inventories.
3. Conduct planning and feasibility studies, including but not limited to Environmental Conditions of Property (ECOP), building material surveys and testing, hazardous material testing, and site assessments.
4. Sampling, surveying, well drilling and installation, analytical testing, site preparation, and intrusive testing to determine if hazardous wastes, contaminants, pollutants, or special hazards (for example, asbestos, PCBs, lead-based paint, or unexploded ordnance) are present in the ground.

DOD Actions/Training:

5. Conduct assessment, survey, and removal of unexploded ordnances.

EXEMPTION CLASS #6: Construction or placement of minor structures accessory to existing facilities [HAR §11-200-8 (a) (6)].

Facilities and Equipment

1. Construction of new, small facilities or structures necessary to support or enhance safe and effective operation and management of existing buildings, facilities, structures, airfields, and grounds. New facilities not to exceed 3,500 sq. ft. Examples include, but are not limited to: guard shacks, building additions, utility sheds, storage or maintenance sheds, containers, office trailers, trash enclosures, comfort stations or sanitation facilities and related individual wastewater disposal systems, bus shelters, pavilions or picnic shelters, parking and fee collection facilities, checking stations, interpretive kiosks and displays, and other similar structures accessory to existing facilities.
2. Construction and installation of minor structures & utilities required for functionality of existing buildings, including but not limited to: electrical systems (e.g. power, telecommunication, lighting, etc.), gas systems, water and sewage systems (e.g. irrigation, utility lines, sanitary sewer), Heating Ventilation and Air Conditioning (HVAC) systems, fire suppression/alarm systems, security systems, disaster preparedness systems, drainage systems, and renewable energy systems. In order to minimize adverse impacts to seabirds, external lighting shall be only of the following types: Shielded lights, cut-off luminaries, or indirect lighting. Spotlights aimed upward or spotlighting of structures or physical features are not exempt.
3. Construction and installation of signage, bollards, fencing, gates, walls, guard rails, guard shacks, vehicle barriers, energy conservation systems and other similar structures to support existing facilities.

EXEMPTION CLASS #7: Interior alterations involving partitions, plumbing, and electrical conveyances [HAR §11-200-8 (a) (7)].

1. Interior alterations and renovations to offices, buildings or structures to meet operational requirements and/or to bring existing structures into compliance with current building codes and applicable health and safety regulations, and to comply with the Americans with Disability Act Accessibility Guidelines that do not increase the floor area or change the maximum occupancy. Examples include but are not limited to: office partitions, change of flooring or ceiling, upgrading outlets, lighting and other interior utility systems. Removal of hazardous materials, interior painting and installation of any temporary structure.

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 [HAR §11-200-8 (a) (8)].

Facilities and Equipment:

1. Staging and storage of construction equipment and materials for a limited period of time as necessary to support demolition of buildings, structures or facilities.
2. Demolition and removal of buildings or structures, except those located on any historic site or determined eligible for the National or State Register of Historic Places, following state and county permitting requirement.
3. Removal and disposal of hazardous waste material in accordance with applicable regulations.
4. Demolition and removal of utilities and utility structures or portions thereof.
5. Demolition and removal of walkways, roadways, aprons, stairs, ramps, playcourts, hard infrastructure (site furnishings, flagpoles, light poles, telephone and utility poles, antennas, signage, walls, fences and gates, etc.), elevators and lifts, equipment, and other improvements.

EXEMPTION CLASS #9: Zoning variances except shoreline setback variances [HAR §11-200-8 (a) (9)].

1. Zoning variances of DOD properties, except shoreline setback variances.

EXEMPTION CLASS #10: Continuing administrative activities including, but not limited to, purchases of supplies and personnel-related actions [HAR §11-200-8 (a) (10)].

Facilities & Equipment:

1. Appraisal of real property for land exchange proposals, determination of acquisition/sales price, rental establishment or the establishment of royalties.
1. Land management corrective actions including, but not limited to: Easement re-designations, property survey, property inconsistency adjustments, and TMK parcel corrections, precluding that involved parties have written concurrence of such corrective actions.
2. Acquisition of real property, including facilities, easements, fee simple land, and lease holds where the current and foreseeable land use will not change substantially or where the use will be similar to current or ongoing DOD activities on adjacent land.
3. Subdivision and/or consolidation of parcels by DOD, provided that necessary permits are obtained and all parties have written concurrence of such action.
4. Transfer of active installation utilities to a commercial or governmental utility provider.

5. Disposal and/or transfer of DOD property, including but not limited to land, easements, facilities, and associated utilities deemed unnecessary to support the DOD mission.
6. Disposal and/or transfer of DOD-managed state property, requiring approval by the Board of Land and Natural Resources, to cancel an existing Executive Order and reset aside the land for interested agencies or departments.
7. Grants or acquisitions of leases, rights-of-entry, registrations, sub-leases, licenses, easements, and permits for use of real property or facilities in which there is no significant change in land or facility use. Examples include, but are not limited to, DOD controlled property and DOD leases of property to include sub-leases for training, general use, special purpose, warehouse space or storage.
8. Development and execution of agreement documents, including but not limited to Memorandum of Agreements, Memorandum of Understanding, etc. between governmental agencies to resolve and establish real estate and management actions.

DOD Actions/Training:

9. Reductions and realignments of civilian and/or military personnel that: fall below the thresholds for reportable actions as prescribed by statute (10 U.S.C. 2687) and do not involve related activities such as construction, renovation, or demolition activities. This includes reorganizations and reassignments with no changes in force structure, unit re-designations, and routine administrative reorganizations and consolidations.
10. Relocation of personnel into existing federally-owned, state-owned, or commercially-leased space, which does not involve a substantial change in the supporting infrastructure (e.g. an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase is an example of substantial change).