

COMPREHENSIVE EXEMPTION LIST FOR THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

Environmental Advisory Council concurrence date: November 1, 2022

This Hawaii Housing Finance and Development Corporation (HHFDC) Comprehensive Exemption List supersedes the previous versions that were reviewed and concurred by the Environmental Council on March 12, 2008 and the November 18, 1997.

Under Hawaii Administrative Rules (HAR), section 11-200.1-15(c), ten general types of actions are exempt from the preparation of an environmental assessment (EA). Under HAR §11-200.1-15(d), these exemptions 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.

The list of actions eligible for exemption is organized by ten general types of actions and further classified within each type as one of the following:

1. Part 1 Actions – Under HAR §11-200.1-16(b), HHFDC deems the action as de minimis and exempts it from the preparation of an EA and exemption notice.
2. Part 2 Actions – Under HAR §11-200.1-16(c), HHFDC exempts the action from the preparation of an EA and files an exemption notice meeting the requirements set forth in HAR §11-200.1-17 and chapter 343, Hawaii Revised Statutes (HRS).
3. Part 3 Actions – All emergency actions not listed under Part 1 and 2 Actions are subject to the provisions of HAR §11-200.1-8.
 - a. Under HAR §11-200.1-8(b), when an agency proposes an action during a governor-declared state of emergency, the proposing agency shall document in its records that the emergency action was undertaken pursuant to a specific emergency proclamation. If the emergency action has not substantially commenced within sixty days of the emergency proclamation, the action will be subject to chapter 343, HRS.
 - b. Under HAR §11-200.1-8(c), in the event of a sudden unexpected emergency causing or likely to cause loss or damage to life, health, property, or essential public service, but for which a declaration of a state of emergency has not been made, a proposing agency undertaking an emergency action shall document in its records that the emergency action was undertaken pursuant to a specific emergency and shall include the emergency action on its list of exemption notices for publication by the office of environmental quality in its bulletin pursuant to HAR §11-200.1-17(d) and HAR chapter 11-200.1, subchapter 4.

EXEMPTION TYPE 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 Actions – Repair or maintain structures, facilities, equipment, and topographical features as necessary for their continued function and use:

1. Structures

- a. Repair or maintain structures including, but not limited to, office buildings, maintenance buildings, equipment buildings, warehouses, sheds, dwelling units, parking structures, and similar structures.
- b. Repair or maintain ancillary structures including, but not limited to, retaining walls, walls, fences, gates, storage tanks, reservoirs, slope stabilization structures, intake and collection boxes, curbs, sidewalks, ramps, exterior steps, and stairways.

2. Facilities

- a. Repair or maintain facilities including, but not limited to, recreational (e.g., sport complexes), community (e.g., parks, neighbor centers, play equipment), and similar facilities.
- b. Repair or maintain utility systems including, but not limited to, electrical, interior lighting, water, wastewater, drainage, HVAC (heating, ventilation, and air conditioning), solar water heating, fuel, and similar systems.
- c. Repair or maintain roadway systems including, but not limited to, road pavements, curbs and sidewalks, ramps, lighting systems, median landscaping, drainage systems, exterior steps, stairways, and parking areas.
- d. Temporarily store or stage equipment and materials as necessary to support repair or maintenance activities.
- e. Implement traffic management plans and similar measures during construction to minimize traffic impacts.

3. Equipment

- a. Repair or maintain equipment including, but not limited to, elevators, escalators, or lifts; generators, pumps, or motors; communications, security, or surveillance systems; and similar equipment.
- b. Repair or maintain traffic control systems, streetlights, and traffic safety equipment (e.g., signs, guardrails, striping, and pavement markers).

4. Topographical Features

- a. Repair damage caused by natural or man-made incidents including, but not limited to, rebuilding eroded earth berms, removing fallen trees and obstructions, and similar activities.
- b. Maintain grounds and landscaping including, but not limited to, planting, mowing, trimming, weeding, fertilizing, aerating, cutting, and similar activities.
- c. Capture, trap or use of other means to control, transfer, or eradicate non-protected feral animals or wildlife that may present hazards to the public and the environment.

EXEMPTION TYPE 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 Actions – Replace or reconstruct structures or facilities necessary to meet federal, state, and local codes, standards, and regulations, as applicable.

1. Structures

- a. Replace or reconstruct structures including, but not limited to, office buildings, maintenance buildings, warehouses, sheds, equipment buildings, dwelling units, parking structures, and similar structures or facilities.
- b. Replace or reconstruct ancillary structures including, but not limited to, retaining walls, walls (except seawalls), fences, gates, storage tanks, reservoirs, slope stabilization structures, intake and collection boxes, curbs, sidewalks, ramps, exterior steps, and stairways.

2. Facilities

- a. Replace or reconstruct facilities including, but not limited to, recreational (e.g., sport complexes), community (e.g., parks, neighbor centers), and similar facilities.
- b. Replace or reconstruct utility systems including, but not limited to, electrical, interior lighting, water, wastewater, drainage, HVAC, solar water heating, fuel, communication, security, and similar systems.
- c. Replace or reconstruct exterior lighting systems in compliance with section 201-8.5, HRS, Night Sky Protection Strategy.

- d. Replace or reconstruct roadway systems including, but not limited to, road pavements, curbs and sidewalks, lighting systems, median landscaping, and parking areas, where replacement or reconstruction does not extend beyond previously disturbed soils.
- e. Replace or reconstruct equipment including, but not limited to, elevators (including modifying the capacity of elevators within the same roofed structure), escalators, or lifts; generators, pumps, or motors; communications, security, or surveillance systems; and similar equipment.

Part 2 Actions – Replace or reconstruct structures in shoreline areas.

1. Structures

- a. Replace or reconstruct ancillary structures including seawalls, revetments, and other similar structures,

EXEMPTION TYPE 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, 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 Actions – Modification of existing facilities necessary to meet federal, state, and local codes, standards and regulations or installation of new equipment.

- a. Modify existing office space, residential units, personnel shelters, storage areas, and similar facilities.

- b. Modify utility systems including, but not limited to electrical, interior lighting, information technology, communication and security, HVAC, and similar systems.
- c. Modify an existing street by adding shoulder or auxiliary lanes for localized purposes (e.g., passing, deceleration for turns, and correcting substandard curves and intersections), and ancillary features (e.g., sidewalks, walkways, curbs).
- d. Install new, localized utility systems including, but not limited to, electrical, water, wastewater, drainage, and similar systems.
- e. Install new equipment including, but not limited to, elevators, escalators, or lifts; generators, pumps, or motors; retaining walls and walls (excluding seawalls); fences and gates; communications, security, or surveillance systems; and similar equipment.
- f. Install new equipment to promote safety, security, and accessibility including, but not limited to, traffic signalization, traffic surveillance, and traffic calming devices; electronic message signs; safety equipment (e.g., safety barriers, guard rails, energy attenuators, directional, informational, and regulatory signs, light standards, hazard elimination and mitigation); and emergency generators.
- g. Install new exterior lighting systems in compliance with section 201-8.5, HRS, Night Sky Protection Strategy.
- h. Install new rockfall protection systems including, but not limited to, wire mesh draped, anchored wire mesh or impact fence systems or a combination thereof, catchment ditch, and retaining walls.
- i. Install new substation, transformers, and electrical connections to supplement existing power supply.
- j. Install new greywater systems to recycle used water from sources such as kitchen and bathroom sinks, showers, and laundries for non-potable use.

Part 2 Actions – Construction of new structures and facilities.

- a. Construct new, small structures including buildings, sheds, warehouses, equipment buildings, personnel shelters, storage facilities, carports, garages, and similar structures if not in conjunction with the construction of two or more such structures serving the same purpose.
- b. Construct new ancillary facilities including, but not limited to, retaining walls, walls, fences, gates, curbs, sidewalks, ramps, exterior steps, stairways and retaining walls.

- c. Construct new off-street parking facilities.
- d. Construct new drainage systems including, but not limited to, swales, ditches, gutters, retention basins, and similar surface runoff management improvements necessary to maintain a consistent level of service or comply with applicable codes and regulations.
- e. Construct new telecom systems including, but not limited to, radio antennas, aerials, support structures, utility connections, foundations, and fences.

EXEMPTION TYPE 4: Minor alteration in the conditions of land, water, or vegetation.

Part 1 Actions – Minor alteration necessary to maintain property in a safe and functional condition.

- a. Clear and manage vegetation, including but not limited to mowing, pruning, trimming, transplanting of trees that are not considered historical or significant, sodding of bare areas for dust and erosion control.
- b. Alter ground topography (e.g., minor grading and filling, grubbing, cutting, and similar activities) to reduce hazards to the public, provided that the alterations do not require a grading permit.
- c. Control plant growth and insects by using herbicides and pesticides that comply with applicable regulations.
- d. Clear land to conduct site work for surveying, engineering design, and geologic and hydrologic studies.
- e. Install underground sprinkler or drip irrigation systems.
- f. Remove trees that endanger life or property, provided that “exceptional trees” as defined in section 58-3, HRS, may be removed only after proper consultation with the relevant county arborist advisory committee and in compliance with county ordinances and regulations related to exceptional trees.
- g. Remove or fill in unused or unusable cesspools and septic systems pursuant to prevailing codes and regulations.
- h. Reinter burial remains as approved by the applicable island burial council.

EXEMPTION TYPE 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 Actions – Nondestructive data collection and other activities.

1. Conduct studies, surveys, and monitoring that do not lead directly to construction to identify project concepts, elements of proposed actions, and alternatives so that social, economic, and environmental effects can be subsequently assessed.
 - a. Studies such as planning, social, economic, environmental, feasibility, financial, inventory, and similar studies.
 - b. Environmental surveys such as historical, cultural, biological, ecological, wetland delineation, oceanographical, traffic (including transit patronage surveys), noise, water, air, and similar surveys.
 - c. Engineering surveys such as structural, building, civil, mechanical, architectural, topographical, electrical and other utilities, asbestos, lead, and similar surveys.
 - d. Structural studies such as pavement and bridge testing, inspection, and similar studies.
 - f. Conduct public meetings or hearings to disseminate information and receive public input.
3. Conduct GIS mapping, aerial mapping, land surveys, and similar activities.
4. Conduct geotechnical, archeological, burial, foundational, and other subsurface investigations (i.e., trenching and boring activities), and similar investigations after consultation with the State Historic Preservation Division and implementation of mitigations, if applicable.
5. Undertake actions related to real estate transactions including, but not limited to, due diligence, appraisals, and land surveys (e.g., metes and bounds, shoreline setback) to determine acquisition or sales price, or establish rents or royalties.

EXEMPTION TYPE 6: Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places.

Part 1 Actions – Includes structures that do not require further consideration.

1. Demolition or removal of structures, facilities, equipment, impounded property, or other improvements that are abandoned and no longer required or maintained, including, but not limited to:

- a. Structures such as buildings, sheds, warehouses, storage tanks, reservoirs, and similar structures.
- b. Facilities such as wastewater, water, drainage, electrical, traffic control, communication, civil defense warning, irrigation, fuel, and their appurtenances.
- c. Improvements such as road pavements, curbs, sidewalks, retaining walls, walls, fences, gates, light poles, and electrical connections, and similar improvements.
- d. Improvements such as electrical, communication, HVAC, water, wastewater, sewer, septic tank systems; above- or underground storage tanks; fuel systems; and similar improvements.
- e. Equipment such as machinery, vehicles, experimental devices, and similar equipment.

Part 2 Actions – Includes structures that require further consideration because of their potential impacts to the surrounding community. For example, demolition of structures that contains high levels of hazardous materials; demolition of structures that creates significant noise, fugitive dust or other adverse impacts; or demolition of structures that leads to a loss of amenities for the public.

EXEMPTION TYPE 7: Zoning variances except shoreline setback variances.

Part 1 Actions:

1. Zoning variances for building setback.
2. Zoning variances for housing developments and public facilities, except shoreline setback variances.
3. Zoning variances for housing developments under chapter 201H, HRS.

EXEMPTION TYPE 8: Continuing administrative activities.

Part 1 Actions:

1. Procure professional services, goods and services, competitive sealed proposals, competitive sealed bidding, and similar services.
2. Purchase supplies, services, and equipment required to support existing operations.

3. Procure motor vehicles, equipment, furniture, and similar items.
4. Request and use federal, state, or local grants to support ongoing operations; implement programs; training of personnel, including purchase and rental of training facilities and equipment; and similar activities.
5. Perform all aspects of administrative functions including personnel actions, accounting, budgeting, training, regulatory reporting, and the promulgation of rules and directives, and similar activities.
6. Conduct public education, outreach, and communications, including meetings, surveys, websites, training, newsletters, and press releases; prepare long-term planning documents; and similar activities.
7. Prepare and administer interagency agreements, ministerial approvals, letters of agreement with developers regarding impact fees and fair share contributions to regional traffic improvements, and similar activities.
8. Provide funds in the form of grants or loans to government agencies or developers.
9. Evict tenants.
10. Conduct community events including, but not limited to, parades, festivals, farmers markets, and similar events.

EXEMPTION TYPE 9: Acquisition of land and existing structures, including single or multi-unit dwellings, for the provision of affordable housing, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding.

Part 1 Actions – Real estate and land tenure actions:

1. Transfer management authority or title over public lands between HHFDC and public agencies through governor's executive orders or other legal instruments.
2. Subdivide and consolidate lands without change in existing land use.
3. Initiate and prosecute condemnation proceedings.
4. Dispose of land for development of housing projects.
5. Execute and administer right-of-entry agreements or use and occupancy contracts.

6. Lease private land or existing structures, where there is no substantial change in use.
7. Exchange lands for purposes including, but not limited to, correcting existing roadway alignments and easement locations; transfer title to or from other state and county agencies for no or minimal monetary consideration.
8. Acquire interests, including, but not limited to, fee simple, easements, and leaseholds, in real property on which housing developments will be situated, provided that a site assessment is conducted.
9. Demise retaining walls, walls, fences, gates, and similar improvements.

EXEMPTION TYPE 10: New construction of affordable housing, where affordable housing is defined by the controlling law applicable for the state or county proposing agency or approving agency, that meets the following:

- A. Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with chapter 343, HRS;
- B. As proposed conforms with the existing state urban land classification;
- C. As proposed is consistent with the existing county zoning classification provided that allows housing; and
- D. As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in HAR §11-200.11-13(b)(11).

Part 2 Actions – Development of affordable housing provided pre-assessment consultations were conducted to determine the appropriateness of preparing an exemption notice or requiring an environmental assessment.

1. Construct single-family residential units including, but not limited to, grading; roadway and traffic systems; utility systems; dwelling units; landscaping; and ancillary facilities; provided all applicable approvals and administrative permits are obtained.
2. Construct multi-family residential units including, but not limited to, grading; roadway and traffic systems; utility systems; dwelling units; landscaping; and ancillary facilities; provided all applicable approvals and administrative permits are obtained.

3. Construct requisite offsite infrastructure including, but not limited to, utility systems and ancillary improvements that are related to Part 2, item 1 or 2 above.
4. Allow accessory commercial activities within the development that are related to Part 2, item 2 above.