

**COMPREHENSIVE EXEMPTION LIST FOR THE
STATE OF HAWAI‘I
SCHOOL FACILITIES AUTHORITY**

**REVIEWED AND CONCURRED UPON BY
THE ENVIRONMENTAL ADVISORY COUNCIL ON
JULY 2, 2024**

Section 343-6(a)(2), Hawai‘i Revised Statutes (“HRS”) authorizes the Environmental Advisory Council to establish procedures to exempt specific types of action from the preparation of an environmental assessment because the action will have minimal or no significant effect on the environment. Such procedures are specified under Title 11, Chapter 200.1, Subchapter 8, Hawai‘i Administrative Rules (“HAR”). The State of Hawai‘i, School Facilities Authority (“SFA”) has developed the following exemption list identifying particular activities that fall within the exempt types of actions described in Title 11, Chapter 200.1-15, HAR.

EXEMPT TYPES OF ACTIONS

SFA may declare ordinary or routine functions and general types of minor actions as being exempt from the requirement to prepare an Environmental Assessment (EA) that might otherwise be triggered under Hawai‘i’s environmental review (§11-200.1-16, HAR). SFA has developed a list that identifies actions that fall under one of the two types of exempt actions:

1. Part 1 Actions. Activities determined to be exempt from preparation of an EA and the notification requirements under §11-200.1-17, HAR because SFA considered these to be “de minimis” actions that do not have the potential to adversely affect the environment; or
2. Part 2 Actions. Activities that SFA determined to fall within one or more of the ten (10) general types of actions established under §11-200.1-15(c), HAR that are determined to be exempt from preparation of an EA, provided that SFA fulfills the exemption notice requirements under §11-200.1-17, HAR.

All exemptions under Title 11, Chapter 200.1, Subchapter 8, HAR are inapplicable when SFA determines 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.

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Pursuant to HAR Title 11, Chapter 200.1, the SFA has determined that the following types of actions, where they fall within the two classes of action (Part 1 and 2), shall generally be exempt from the preparation of an Environmental Assessment.

PART 1 ACTIONS (DE MINIMIS ACTIVITIES)

Pursuant to §11-200.1-16, HAR, SFA considers the following activities listed under Part I Actions to be routine and ordinary functions or minor actions within their jurisdiction or expertise that by their nature do not have the potential to adversely affect the environment more than negligibly individually or cumulatively.

The types of activities include, but are not limited to, the following listed by the general types of actions eligible for the 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;

1. All building features and structures, including:
 - a. Building.
 - b. Structure.
 - c. Furniture.
 - d. Equipment.
 - e. Electrical system.
 - f. Communication system.
 - g. Plumbing system.
 - h. Heating, ventilation, and air conditioning system.
 - i. Fire protection system
 - j. Drainage collection and distribution systems
 - k. Walls and trash enclosures
 - l. Interior alternations and renovations to existing facilities including but not limited to partitions, doors, built-in furnishing, and built-in equipment.
2. All outside campus features, including:
 - a. Wall, fencing, curbing, gates, guardrails, and safety barriers
 - b. Walkways and bike path/covered walkways
 - c. Roadways
 - d. Parking lots/covered bus loading areas or shelters
 - e. Paved courts, covered play courts
 - f. Play equipment and shade structures
 - g. Drinking fountains

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- h. Signs
 - i. Athletic fields
 - j. Exterior lighting of athletic fields and parking lots (exterior lighting shall comply with HRS §201-8.5, Night Sky Protection Strategy.)
 - k. Landscaping
 - l. Vehicle
This includes improvements such as re-striping, new signage, redirecting traffic flow, altering the number of parking slots, and complying with Americans with Disabilities Act requirements.
- 3. Fuel systems: Operation, repair or maintenance of on-site propane and methane gas systems used for preparing food and other associated kitchen purposes; heating water for locker/shower buildings; conducting experiments in science laboratories; and cooking in homemaking classrooms in schools. Operation, repair or maintenance of gasoline and diesel tank and pump systems for refueling cars, buses and trucks in automotive servicing areas and maintenance base yards.
 - 4. Vector and pest control: Fumigation and treatment of building for termites, cockroaches, ants, vermin and other pests using pesticides registered by the State Department of Agriculture (DOA) and the U.S. Environmental Protection Agency.
 - 5. On-site infrastructure improvements (walkway, roadway, parking, water, irrigation, sewer, drainage, power, telephone, data and communication systems).
 - 6. Removal or treatment of hazardous substances: Removal, mitigation, stabilization or containment of mold, asbestos, radon, lead paint, or other controlled substances.

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, including but not limited to:

- 1. Furniture.
- 2. Equipment.
- 3. Electrical system.
- 4. Communications system.
- 5. Plumbing system.
- 6. Heating, ventilation, and air conditioning system.
- 7. Wall and fence (this work excludes the replacement or construction of new seawalls).
- 8. Sign.
- 9. Athletic field.
- 10. Existing school buildings provided the facilities are listed in the DOE's "Educational Specification and Standards for School Facilities" (EDSPECS) which lists required or sanctioned DOE programs and facilities. The types of buildings that may hereunder

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- be replaced or reconstructed include classrooms, administration offices, libraries, auditoriums, cafeterias, kitchens, industrial shops, locker/shower rooms, gymnasiums, stadiums, and other buildings that house or facilitate educational functions.
11. Existing on-site school structures such as covered walkways, covered play courts, flag poles, bus shelters, swimming pools, bleachers, ramps, and elevators.
 12. On-site propane and methane gas systems used for preparing food and other associated kitchen purposes; heating water for locker/shower buildings; conducting experiments in science laboratories; and cooking in homemaking classrooms in schools. Replacement or reconstruction of gasoline and diesel tank and pump systems for refueling cars, buses and trucks in automotive servicing areas and maintenance base yards.
 13. Existing lined and unlined drainage swales and ditches that collect and divert rainfall runoff on-site, existing conduits connecting the intake structures and existing conduits connecting on-site systems to off-site drainage systems approved by the County.
 14. Existing waste treatment facility where the County does not have any off-site sewerage system available; does not have the system capacity to permit any additional sewage loading; or requires some treatment before discharge into their system. The new waste treatment facility will have substantially the same capacity as the original facility.
 15. Existing walkways that connect buildings and facilities on a site or provide pedestrian access onto the site from the public roadway or walkway.
 16. Existing roadways that provide vehicular and fire/emergency access across a site or onto a site from a public roadway. In the case of high schools, these are roadways that connect with such points as vehicular loading areas, parking lots, cafeterias, gymnasiums, swimming pools, athletic fields, industrial shops, and agricultural areas. Work under this item includes repaving and striping.
 17. Existing parking lots required by the County zoning code or specified in the DOE's EDSPECS. Work under this item includes repaving and striping.
 18. Existing paved courts specified by the DOE's EDSPECS. Work under this item includes repaving and striping.

Type 4. Minor alterations in the conditions of land, water, or vegetation.

1. Clearing and grubbing or grading in accordance with State Department of Health and County standards for work subject to the following:
 - a. Complies with setback requirements for applicable Federal, State and County laws, regulations, ordinances, codes, rules; and
 - b. Impacts 1.0 acre or less (non-contiguous) of an existing State facility site.
2. Landscaping work including, but not limited to, laying topsoil; planting trees, shrubs and ground cover; and relocating or removing vegetation and trees that are not

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considered historical or significant (such as those on a County Exception Tree list) and subject to the following:

- a. Complies with setback requirements for applicable Federal, State and County laws, regulations, ordinances, codes, rules; and
- b. Impacts 1.0 acre or less (non-contiguous) of an existing State facility site.
3. Establish temporary or permanent vegetative cover including trees, shrubs, grasses, and sod for soil stabilization.
4. Installation of sprinkler or irrigation system to water trees, shrubs, and grass.
5. Minor alteration of walls and fences (this work excludes the replacement or construction of new seawalls).
6. Land subdivision and consolidation for a school facility site.
 - a. Acquisition, subdivision and/or consolidation of minor amounts of land (less than 1.0 acre).
 - b. Easements in favor of the State, County, or a public utility company for on-site infrastructure improvements (walkway, roadway, parking, water, irrigation, drainage, sewer, electrical, and communication and telecommunication systems).

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, including but not limited to:

1. Topographic survey.
2. Soil borings/foundation survey.
3. Traffic survey.
4. Grave survey.
5. Air/water/noise/hazardous materials assessment and/or monitoring survey.
6. Drainage study.
7. Tenant relocation/inventory survey.
8. Site/building assessment and/or monitoring, including assessment and/or monitoring for ADAAG compliance.
9. Economic analysis.
10. Long range development plans.
11. Environmental impact research.
12. Archaeological surveys, reconnaissance, and data recovery.
13. Site appraisal by DLNR or an independent appraisal company for the State to determine the purchase price for real property (including land, buildings, features, plants, crops, severance issues) being considered under an acquisition, exchange, easement or lease agreement for a state facility.
14. "Right-of-Entry" for site investigation/study.

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

1. Buildings that do not have historic character, scenic value, community value.
2. Infrastructure systems such as utilities, (e.g. water, drainage, sewer, power, telephone, data, and communication systems).
3. Structures such as covered walkways, covered play courts, bus shelters, swimming pools, bleachers, scoreboards, stairs, ramps, elevators, flag poles, walls, fences, planter boxes, signs, garages, patios, tool sheds, storage sheds, saran houses, bath houses, portable buildings, pump houses, transformer buildings, and air conditioning enclosures.
4. Structures or facilities such as roads, parking lots, bus shelters, walls, fences, signs, flag poles, paved courts, walkways, equipment, and furniture.
5. Any related improvement or work that is limited to the State facility site.

Type 8. Continuing administrative activities, including but not limited to:

1. Purchases of supplies, services, and equipment required to support existing operations.
2. Procure professional services, goods and services, competitive sealed proposals, competitive sealed bidding, and similar services.
3. 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.
4. Perform all aspects of administrative functions including personnel actions, accounting, budgeting, training, regulatory reporting, and the promulgation of rules and directives, and similar activities.
5. Conduct research, public education, outreach, and communications, including meetings, surveys, websites, training, newsletters, and press releases; prepare long-term planning documents; and similar activities.
6. Prepare and administer inter agency agreements, letters of agreement with developers regarding impact fees and fair share contributions to school facility improvements, and similar activities.
7. Right-of-entry agreements, use and occupancy contracts.
8. Acquisition, subdivision, or consolidation of public lands to facilitate transfer between the SFA and other agencies for public use.
9. Transfer of management authority or title over public lands between SFA and other agencies through Governor's executive orders or other legal instruments.

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PART 2 ACTIONS

SFA has determined that the following types of activities include, but are not limited to, those that fall within one or more of the ten (10) general types of actions established under §11-200.1-15(c), HAR are to be exempt from preparation of an EA, provided that SFA fulfills the exemption notice requirements under §11-200.1-17, HAR.

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 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 of single, new, small structures and facilities for pre-kindergarten classrooms, new school buildings designed for total occupant load of twenty (20) persons or less, if not in conjunction with the building of two (2) or more such structures.
 2. Renovation of classrooms and school buildings do not result in a change in capacity by more than 20 percent.
 3. Construct new off-street parking facilities.
 4. An individual action on up to four teacher housing units where there is a maximum of four units on any one site. The units can be 1) four one-unit buildings; or 2) one four-unit building; or 3) any combination thereof.
 5. Essential infrastructure and public utility services extensions to serve structures or facilities that include, but are not limited to, the following:
 - a. Water collection and distribution systems, fire protection, and solar water heating systems.
 - b. Sewer collection and distribution systems.
 - c. Drainage collection and distribution systems.

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- d. Agency maintained drainage ways and channels, swales, berms.
- e. Fuel (gas, propane, etc.) storage, collection and distribution systems.
- f. Electrical, communication, security, and telecommunication systems.
- g. Interior roadways, driveways, curbs, parking lots.
- 6. Construction of storage sheds, maintenance sheds, trash enclosures, electrical sheds, pump houses, athletic equipment storage sheds, and portable modular buildings measuring less than 500 square feet in total area.
- 7. Accessory or appurtenant structures including garages, carports, patios, swimming pools, sidewalks, walls, fencing, gates, and individual and cluster unit mailboxes.
- 8. Appurtenant equipment and facilities for outdoor recreation including, but not limited to, play fields, pavilion, picnic tables, volleyball and basketball courts.
- 9. Creation of temporary staging areas during periods of construction.

Type 4. Minor alterations in the conditions of land, water, or vegetation.

- 1. Clearing and grubbing or grading in accordance with State Department of Health and County standards for work subject to the following:
 - a. Complies with setback requirements for applicable Federal, State and County laws, regulations, ordinances, codes, rules; and
 - b. Impacts 15 acres or less (non-contiguous) of an existing State facility site.
- 2. Landscaping work including irrigation lines and equipment, laying topsoil; vegetation and tree trimming and planting, shrubs and ground cover; and relocating or removing vegetation and trees that are not considered historical or significant (such as those on a County Exception Tree list) and subject to the following:
 - a. Complies with setback requirements for applicable Federal, State and County laws, regulations, ordinances, codes, rules.
- 3. Construction of improvements within school facilities to address surface water runoff, including installation of drainage ditches, dry wells, and implementation of other storm water best management practices and low impact development techniques (e.g., bioretention areas, permeable pavers, etc.).
- 4. Re-grading or paving of existing access roads, driveways, parking lot shoulders, or sidewalks within existing State or County rights-of-way to support connections to school facilities.
- 5. Construction of pedestrian/bike sidewalks and bike paths and walkways within housing development.
- 6. Alteration of walls and fences (this work excludes the replacement or construction of new seawalls).
- 7. Incidental clearing of land and preliminary site work for surveying, engineering design, and geologic and hydrologic studies.

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Type 7. Zoning variances except shoreline setback variances.

1. Zoning variances for buildings and structures
 - a. Classroom buildings and ancillary structures
 - b. Office and maintenance buildings, storage buildings, and community facilities
 - c. Parking structures and garages
 - d. Walls and other slope stabilization structures
 - e. Trash enclosures
2. Zoning variances for site improvements
 - a. Roadways, driveways, and parking lots
 - b. Loading areas, curbs, and traffic calming improvements
 - c. Sidewalks, exterior steps, ramps, walkways (open and covered), and handrails
 - d. Signage, gates, fencing, and mailboxes
 - e. Recreational facilities including but not limited to courts, fields, benches, tables, bike racks and paths, and irrigation lines.
3. Zoning variances for infrastructure and Utilities
 - a. Water collection and distribution systems, storage tanks/reservoirs, fire protection, and solar water heating systems
 - b. Sewer collection and distribution systems
 - c. Drainage collection and distribution systems
 - d. Agency maintained drainage ways and channels, swales, berms.
 - e. Fuel (gas, propane, etc.) storage, collection and distribution systems.

Type 9. Acquisition of land and existing structures, including single or multi-unit dwelling units, 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.

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 use classification;
- (C) As proposed is consistent with the existing county zoning classification that allows housing; and
- (D) As proposed does not require variances for shoreline setbacks or sitting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(11).