

**COMPREHENSIVE EXEMPTION LIST**  
**FOR THE**  
**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
**AMENDED, SEPTEMBER 16, 2021**

The Department of Transportation (DOT) Comprehensive Exemption List, reviewed and concurred by the Environmental Advisory Council, State of Hawaii, amends and supersedes the November 15, 2000 and the December 16, 1992 exemption lists for the DOT.

Pursuant to, Hawaii Administrative Rules (HAR), Section 11-200.1-15, there are ten types of actions that shall generally be exempt from the preparation of an environmental assessment (EA). Pursuant to HAR, Section 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 DOT Comprehensive Exemption List of actions eligible for exemption is organized by ten general types of actions (HAR, Section 11-200.1-15) and further classified within each type as one of the following:

Part 1 – DOT deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Section 11-200.1-16(b).

Part 2 – DOT exempts the action from the preparation of an EA and files an exemption notice in accordance with HAR, Section 11-200.1-16(c).

Part 3 – DOT added Part 3 to address emergency actions. All necessary DOT emergency actions that are not listed under Part 1 Exemption Types are subject to the provisions of HAR, Sections 11-200.1-8(2)(b) and (c).

1. 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. (HAR, Section 11-200.1-8(b)).
2. If the emergency action has not substantially commenced within sixty days of the emergency proclamation, the action will be subject to Hawaii Revised Statutes, Chapter 34. (HAR, Section 11-200.1-8(b)).
3. 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 in the bulletin pursuant to section HAR, Section 11-200.1-17(c).

**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.

TYPE 1, PART 1: Operations, repairs or maintenance.

A. STRUCTURES/FACILITIES

1. Repair or maintain buildings, office space, sheds, parking structures, warehouses, utility systems, aircraft aprons and hardstands, hangers, tunnels and other similar structures or facilities necessary for the continued function and use, and to meet current local, state and federal standards and regulations. Actions include but not limited the following:
  - a. General: repaint, reroof, repair/replace windows and doors, interior modifications: furnishings, space configuration, flooring and flooring cover, framework, roof sheathing and other similar actions.
  - b. Utility systems: electrical, interior lighting, plumbing, wastewater, information technology (IT)/communication and security systems, heating/ventilation/air conditioning (HVAC) units and other similar systems.
  - c. Ancillary facilities: elevators (including modifying the capacity of elevators within the same roofed structure), escalators, conveyors, gates, fencing and other similar facilities.
2. Repair, maintain and upgrade exterior lighting systems, in compliance with HRS Chapter 201-8.5, Night Sky Protection Strategy.
3. Control termites and other pests using pesticides that comply with applicable regulations and administered under the supervision of certified applicators.
4. Pavement preservation work strategies and surface treatments that do not go beyond previously disturbed soils or lands of the existing structures and facilities, including but not limited to the following actions:
  - a. Repave roadways, airport runways/taxiways/hardstands, sidewalks, bike paths or bridge decks, piers, tunnels and parking areas.
  - b. Cleaning, chipping, painting, patching, resealing, restriping and cold-planing.
  - c. Repair localized pavement failures (e.g., potholes, settlements, subsidence and cracks).
  - d. Pave previously graded roadway shoulders and gravel surfaces.
  - e. Groove pavement, apply high friction surface treatments, and install rumble strips to improve skid resistance and safety.
5. Repair, maintain, or upgrade safety or accessibility features to meet current regulations (e.g., Occupational Safety & Health Administration, Americans with Disabilities Act), including but not limited to the following: fencing, gates, railings, wheelchair ramps, sidewalks and identification check points.
6. Repair or maintain existing structures or facilities located in or above the water necessary for the continued function and use, and to meet current local, state and federal standards and regulations, and as permitted by the U.S. Army Corps of Engineers and U.S. Coast Guard. Structures include but not limited to:
  - a. Perimeter seawalls, revetments, groins and other similar protective structures.

- b. Pier decks, aprons, piles, sheet piles, bulkheads, dolphins, launch ramps, loading docks, substructure elements and other similar structures.
  - c. Bull rails, fender systems, bollards, cleats and other similar mooring features.
  - d. Fuel and other pipelines, hatch frames, manifolds, utilities, manholes, covers and other similar structures.
  - e. Stormwater systems (e.g., culverts, drainage systems, inlets and outfalls), pipes, swales, manholes as other similar structures.
  - f. Navigational aids, range lights and other similar navigational assets.
7. Repair or maintain bridges that do not require full bridge closure, including but not limited to: repair scouring, remove rust, repaint, repair riprap, pavement treatments to protect against stream erosion and pollution of the stream.
  8. Provide contra-flow for carpools and buses during peak hours by coning the opposite direction of travel, closure and/or metering of highway ramps for safety purposes or for improvement of traffic flows.
  9. Implement traffic management plans and other similar measures during construction to minimize traffic impacts.
  10. Repair or maintain existing fuel systems, including but not limited to: fuel tanks, fuel lines and pumping equipment used for emergency power at various sites and for refueling vehicles in vehicle servicing areas, and maintenance of base yards.
  11. Repair or maintain existing wastewater treatment facilities where the local municipality 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 systems.
  12. Repairs or maintain existing sewage and water pumping stations, pipelines, industrial traps and treatment facilities to meet applicable codes and regulations.

## B. EQUIPMENT

1. Repair or maintain vehicles, trucks, vessels, machinery, maintenance and construction equipment, and other similar equipment necessary to support operations.
2. Temporary storage and staging of equipment and materials on State lands as necessary to support exempted and planned repair or maintenance activities.
3. Replace, repair, upgrade, or adjust location of safety equipment, including but not limited to: traffic controllers, traffic signals, street lights, rapid flashing beacons, guardrails, crash attenuators and bollards, signage, striping and pavement markers.

## C. TOPOGRAPHICAL FEATURES

1. Maintenance dredging of accumulated sediments from existing vessel berthing areas, navigational basins, entrance channels, under bridges, and other areas with disposal of dredged material redeposited into lower areas of the navigational basin or at either approved ocean disposal or landfill sites. Dredging will not exceed the original designed depths and will be done as permitted by the U.S. Army Corps of Engineers.

2. Planting, trimming, mowing and irrigating of vegetation to reduce fire hazards and maintain appropriate visual appearance.
3. Clearing and grading, for which grading permits are not required, to maintain safety and security standards for aircraft and vehicular traffic.
4. Clearing of swales and drainage conduits to maintain existing flow characteristics for erosion control and to minimize pollution of waterways.
5. Clearing of shoreline areas of debris or other objectionable material such as oil and derelict crafts.
6. Maintain and clear vegetation on land and in water for transportation safety and security. Restore sight distance, visibility of traffic control signs and signals, aesthetics and stormwater drainage.
7. Prevent and remove potential hazards from DOT rights-of-way, such as boulders, rocks, landslides, vegetation, downed utility poles and lines, sand and other marine debris washed ashore, solid waste, dead animals, and non-working vehicles.
8. Repair or replace rock fall/landslide control structures (e.g., netting, revetments, fencing).
9. Remove loose materials on slopes that could be a traffic or slide hazard.

**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.

TYPE 2, PART 1: Replacement or reconstruction of assets that have exceeded their operational life and deteriorated beyond the cost-effectiveness of routine maintenance, can no longer be repaired to meet current safety standards, or no longer meet local, state or federal regulations/guidelines. Part 1 actions that meet the following criteria:

- A. Do not affect structures that are listed on the National Register or Hawaii Register of Historic Places or structures without a historic significance determination.
- B. Occur within the existing disturbed DOT property boundary and DOT rights-of-way.
  1. Replace, remove, reconstruct or minor expansion of existing outdoor deteriorated and/or damaged structures or facilities to their original/better condition, including but not limited to existing: airfield pavements, runways and taxiways, aprons and hardstands, pier decks, cargo yard pavements, base yards, parking areas, storage areas and roadway pavements for the continued function of the facility.
  2. Replace or upgrade of existing rockfall protection systems, including but not limited to: wire mesh drape, anchored wire mesh, impact fence system, combination impact fence and wire mesh drape, catchment ditch, and retaining wall.
  3. Reconstruct, upgrade, or minor expansion of existing roadways and shoulders, intersections, pedestrian facilities (e.g., sidewalks and curbs, bridges, raised crosswalks), bikeways, shared-use routes, driveways, crossroads, runaway truck ramps, railroad crossings or separations, and stream crossings. Includes but not limited to widening less than one lane width, adding shoulders, and adding auxiliary lanes for localized purposes (e.g., passing, deceleration for turns, etc.), correcting substandard curves and intersections and other similar improvements.

4. Restripe, or replace pavement markers, wind cones, safety equipment and signage in new locations and patterns, as needed, to improve safety and meet current design standards.
5. Replace or upgrade systems, including but not limited to: fire protection, potable water, wastewater, electrical, interior lighting, HVAC systems, security systems (e.g., video, walls, fences, alarms), public safety, IT/communications, traffic control, navigation aids, mooring systems (e.g., buoys, bollards, cleats).
6. Replace or upgrade exterior lighting systems, in compliance with HRS Chapter 201-8.5, Night Sky Protection Strategy.
7. Replace or reconstruct existing fuel systems including but not limited to: fuel tanks, relocation of fuel lines and pumping equipment used for emergency power at various sites and for refueling vehicles in vehicle servicing areas and maintenance base yards.
8. Replace, remove, or reconstruct existing drainage systems to maintain a consistent level of service or to comply with applicable codes and regulations including but not limited to: culverts, channels, conduits, ditches, gutters, waterways, inlets and outfalls, swales and other similar improvements that collect and divert rainfall runoff on-site.
9. Replace, remove, or reconstruct existing sewage and water pumping stations, and treatment facilities to meet established codes and standards. Replace, modify, remove or repair existing cesspools with individual wastewater systems to the year 2050 and other approved systems.
10. Replace, remove or reconstruct existing structures, buildings, and accessory structures, including but not limited to: office buildings, sheds, warehouses, parking structures, aircraft hangars, airport/harbor terminals, comfort stations, security buildings, maintenance/base yard facilities, cattle holding pens and shelters.
11. Replace, remove, or reconstruct existing in water structures, including but not limited to: perimeter seawalls, revetment structures, and groins, pier decks, substructure and aprons, piles, sheet piles, dolphins, offshore mooring systems, pipelines and hatches, bull rails, fender systems, bollards and cleats, launch ramps, loading docks, drainage outlets, navigational aids and all associated work necessary for the continued function of the structure, as permitted by the U.S. Army Corps of Engineers and U.S. Coast Guard.
12. Replace or remove less durable impervious pavement (e.g., asphalt) with more durable impervious pavement (e.g., concrete) to reduce maintenance.
13. Replace or reconstruct DOT structures when flood or other natural phenomena causes complete collapse or serious damage to the structures which render them unsafe.
14. Replace, remove or renovate existing landscaping or vegetation.
15. Replace vehicles, trucks, machinery, equipment, vessels, and all other associated items required to support operations.
16. Closure and/or metering of roadway ramps for safety purposes or for the improvement of traffic flow along a major highway or other roadways.

TYPE 2, PART 2: Actions that:

- A. Do not affect structures that are listed on the National Register or Hawaii Register of Historic Places, or structures without a historic significance determination.
- B. Occur outside the existing DOT property boundary and DOT rights-of-way.

**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 same, 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;
- D. Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such structures or facilities; and
- E. Accessory or appurtenant structures including garages, carports, patios, swimming pools and fences; and, acquisition of utility easements.
- F. Installation of noise monitoring equipment which includes poles for microphones and battery boxes.
- G. Installation of communication systems, passport kiosks, elevators, escalators, conveyors, heating/ventilation/air conditioning units, pedestrian bridges and underpasses to existing facilities.

TYPE 3, PART 1: Modification of existing facilities or installation of new equipment.

1. Widen (pavement/gravel) an existing previously disturbed DOT rights-of-way, less than one lane width, adding shoulders, or auxiliary lanes for localized purposes (e.g., passing, deceleration for turns, sidewalks/curbs and correcting substandard curves and intersections).
2. Create, extend, or upgrade a shared roadway shoulder bicycle route, using striping and signage when the action is secondary to Type 1 and Type 2, Part 1 pavement actions.
3. Pave previously graded shoulder areas within the existing DOT rights-of-way to provide access to DOT pavement lanes from the adjacent common property line for residential and commercial driveways and subdivision street connections.
4. Install new equipment designed to promote transportation safety, security, accessibility, and effective communication to the public, such as traffic surveillance, electronic message signs, incident response and management, Intelligent Transportation Systems, and safety systems (e.g., safety barriers, traffic calming, guard rails, energy attenuators, traffic signals, directional, informational, and regulatory signs, light standards, hazard elimination and mitigation) within existing DOT property.

5. Install new screens/shelters/fences around trash bins and other outdoor storage areas for noise control, improved aesthetics, litter control, or rodent control.
6. Convert an intersection to a roundabout or traffic circle with appropriate signage to improve traffic operations or safety within the DOT rights-of-way.
7. Install new rockfall protection systems such as wire mesh draped system, anchored wire mesh, impact fence system, combination impact fence and wire mesh drape, catchment ditch, and retaining wall.
8. Modify existing structures and buildings that houses utility or sprinkler system components such as pumps, transformers, etc.
9. Modify existing structures including buildings, personnel shelters, storage facilities and carports.
10. Modify existing buildings such as schools, libraries, other publicly-owned buildings, and residential structures either on DOT property or offsite property, to provide for noise attenuation such as the installation of insulation material, louvers, acoustic filters or air conditioning units.
11. Modify existing airport general aviation T-hangers.
12. Modify existing structures, facilities, utility systems and equipment to bring them into compliance with current building codes and applicable health, safety, access, disability and security regulations or to meet energy or other resource conservation mandates.
13. Modify utility systems including electrical (e.g., convert overhead lines to underground lines), gas, water, sewer, communications and other services to serve structures, buildings, or facilities. Extend utility service connection to new or modified assets. Exterior lighting modifications will comply with HRS Chapter 201-8.5, Night Sky Protection Strategy.
14. Modify drainage inlets and outfalls, fuel systems, wastewater and sewage treatment facilities, and water pumping stations to address sea level rise or to protect the environment.
15. Modify existing buildings, facilities and equipment to bring them into compliance with current building codes and applicable federal and state regulations, including but not limited to:
  - a. Occupational Safety and Health Administration.
  - b. Americans with Disability Act.
  - c. Clean Water Act.
  - d. County Fire and Safety Codes.
  - e. Hawaii Department of Health Regulations.
  - f. United States Department of Transportation; Federal Aviation Administration, Federal Highways Administration and Maritime Administration.

- g. United States Department of Homeland Security, Federal Emergency Management Administration and the United States Coast Guard.
- 16. Install new substation, transformers and electrical connections to supplement existing power supply and to maintain the functionality of a facility.
- 17. Install renewable power equipment and systems.
  - a. Roof top solar systems including retro-fitting electrical systems for the installation of solar energy or for e-vehicle charging systems.
  - b. Hydropower equipment to provide power to equipment operations not to exceed 5 megawatts.
- 18. Install or remove electrical, interior lighting, plumbing, wastewater, fire alarm, sprinkler, IT/communication and security systems; HVAC units, building walls, office partitions, doors and utility outlets as required.
- 19. Install or remove reefer outlets.
- 20. Install or remove works of art.
- 21. Install debris collection systems at drainage or streams connecting to waters.
- 22. Installation of temporary parking and temporary storage of construction equipment and materials on DOT property.

TYPE 3, PART 2: Development of new structures and facilities.

- 1. Construct and locate new structures including buildings, sheds, warehouses, personnel shelters, storage facilities and other similar structures if not in conjunction with the construction of two or more such structures serving the same purpose.
- 2. Construct and locate new off-street parking facilities.
- 3. Construct and locate new drainage systems to maintain a consistent level of service or to comply with applicable codes and regulations, including swales, ditches, gutters, retention basins and other similar surface runoff management improvements.
- 4. Construct and locate of new irrigation systems, irrigation ditches, flumes and structures.
- 5. Construct and locate bus shelters, telephone booths, sidewalks and curbside improvements.
- 6. Construct and locate new airport general aviation T-hangars.
- 7. Construct new shared use roadway shoulder bike routes when the bike route is the primary purpose of the project, independent of Type 1 and 2, Part 1 pavement actions.
- 8. Construct new shoreline protection systems such as revetment structures (e.g., sandbags, riprap), Kyowa bags and other accepted designs.



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

TYPE 4, PART 1: Minor alternations necessary to maintain State lands and waters in a safe and functional condition, and do not require a grading permit. Part 1 actions include but are not limited to:

1. Remove natural materials, including displaced boulders, and dislocated soils and vegetation.
2. Remove non-natural materials from ocean waters, submerged lands and rivers, including sunken and derelict vessels, aircrafts, vehicles, oil spills and hazardous residues.
3. Manage surface water runoff, including installation of swales and drainage ditches, and implementation of stormwater best management practices and low impact development techniques (e.g., bioretention areas, permeable pavers, etc.).
4. Minor ground adjustments (e.g., grading, grubbing, cutting, or filling) for eliminating hazards to vehicles, aircrafts and navigational aids.
5. Minor vegetation clearing and management, including mowing, pruning, trimming, removal and/or transplanting of trees that are not considered historical or significant, sodding of bare areas for dust and erosion control.
6. Minor modifications to existing retaining walls as necessary to protect the environment.
7. Remove or fill in unused or unusable cesspools and septic systems pursuant to prevailing codes and regulations.
8. Install underground sprinkler or drip irrigation systems, and planting of groundcover, shrubs and trees to prevent erosion.
9. Pave over previously graded parking and storage yard areas.

**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.

TYPE 5, PART 1: 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 other similar studies.
  - b. Environmental surveys such as historical, cultural, biological, ecological, wetland delineation, oceanographical, traffic (including transit patronage surveys), noise, water, air and other similar surveys.
  - c. Engineering surveys such as structural, building, civil, mechanical, architectural, topographical, electrical and other utilities, asbestos, lead and other similar surveys.
  - d. Structural studies such as pavement and bridge testing, inspection and other similar studies.

- e. Monitoring such as rockfall, shoreline, bridge scour and other similar monitoring.
  - f. Conduct public meetings or hearings for disseminating information and/or receiving public input, to develop administrative rules, guidelines or other public policy, and other similar activities.
2. Experimental/pilot/demonstration projects, including but not limited to:
    - a. Ridesharing and other travel demand management projects.
    - b. Usage fee and toll projects.
    - c. Pavement and other material testing projects.
    - d. Traffic calming and pedestrian crossing safety projects.
    - e. Autonomous vehicle demonstration projects.
    - f. Ferry demonstration projects.
  3. Conduct GIS mapping, aerial, land surveys and other similar activities.
  4. Conduct geotechnical, archeological, burial, foundational and other subsurface investigations (i.e., trenching and boring activities) and other similar investigations provided the State Historic Preservation Division was consulted and mitigations implemented, if applicable.
  5. Real estate transaction actions, including but not limited to: due diligence, appraisals, and land surveys (e.g., metes and bounds, shoreline setback) to determination of acquisition/sales price, rental establishment or the establishment of royalties.
  6. Permission to enter public lands for conducting those actions listed above, provided that the requisite right-of-entry and approvals are obtained.

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

TYPE 6, PART 1: Includes structures determined to be ineligible for listing on the National Register or Hawaii Register of Historic Places.

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 and other similar structures.
  - b. Improvements such as airfield, yard and roadway pavements, light poles and electrical connections, fencing and other similar improvements.
  - c. Improvements such as electrical, communication, HVAC and water systems, wastewater, sewer, septic tank systems; above- or underground storage tanks, fuel systems and other similar improvements.
  - d. Equipment such as machinery, vehicles, experimental devices and other similar equipment.

**EXEMPTION TYPE 7: Zoning variances except shoreline setback variances.**

**TYPE 7, PART 1:** Land acquisition for public use or provision of public services, except beachfront property.

1. Application for zoning variance for use of State lands disposed to private parties or to governmental agencies, except shoreline setback variances.

**EXEMPTION TYPE 8: Continuing administrative activities**

**TYPE 8, PART 1:** DOT administrative activities and operations that would not result in direct, indirect or cumulative adverse impacts to the environment. These types of actions include but are not limited to:

1. Procurement of professional services, goods and services, competitive sealed proposals, competitive sealed bidding and other similar services.
2. Procurement of office equipment, furniture and supplies; small purchases, materials and other similar items.
3. Procurement of motor vehicles, equipment, small boats and other similar items.
4. Requests and use of federal, state, county or private grants to support ongoing operations, implement programs, training of personnel including purchase and rental of training facilities and equipment, and other 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 other similar activities.
6. Conduct public education, outreach, communications, including meetings, surveys, websites, training, newsletters, press releases, long-range planning documents and other 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 other similar activities.
8. Real estate and land tenure actions:
  - a. Transfer of management authority or title over public lands between DOT and public agencies through Governor's executive orders or other legal instruments.
  - b. Subdivide or consolidate public lands through subdivision to facilitate transfer between DOT and public agencies for continued public use, including but not limited to:
    - i. Subdivide lots not previously subdivided into highway parcels and highway remnants.
    - ii. Subdivide or consolidate a portion of DOT lands due to encroachment or determined surplus.
  - c. Convey existing roadway rights-of-way between DOT and public agencies.
  - d. Consolidate residential-zoned highway remnant parcels into one lot.

- e. Acquisition and/or exchange of property for public use, including but not limited to: easements, minor subdivision and consolidation of parcels for public use such as rounding corners or minor street widening.
- f. Execute and administer rights-of-entry agreements, use and occupancy contracts.
- g. Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing.
- h. Creation or extension of leases, revocable permits or easements of property for continuing aeronautical or maritime uses or complementary purposes.

**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.

TYPE 9, PART 1: Routine real estate/land tenure actions meeting this definition are listed and addressed under Type 8, Part 1.

**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 HRS, Chapter 343;
- 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, Section 11-200.11-13(b)(11).

The DOT does not propose or construct affordable housing; therefore, Exemption Type 10 is not applicable to DOT.