

**COMPREHENSIVE EXEMPTION LIST
FOR THE COUNTY OF HAWAII
OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT**

This updated exemption list supersedes the prior version dated July 11, 2018;
and has been concurred by the State Environmental Advisory Council on _____

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), OHCD 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), OHCD 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).

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. Buildings and Structures

a. Repair or maintain existing structures including, but not limited to:

- Office buildings
- Maintenance buildings
- Equipment buildings
- Residential buildings
- Storage buildings
- Warehouses
- Sheds
- Dwelling units
- Parking structures
- Trash and wall enclosures
- Other similar structures

b. Repair or maintain existing ancillary structures including, but not limited to:

- Retaining walls
- Walls
- Fences
- Gates
- Storage tanks
- Reservoirs
- Slope stabilization structures
- Intake and collection boxes
- Concrete Slabs
- Curbs
- Sidewalks
- Ramps
- Exterior steps
- Stairways
- Other similar structures

2. Facilities

a. Repair or maintain existing facilities including, but not limited to:

- Recreational (e.g., sport complexes)
- Community (e.g., parks, neighbor centers, play equipment)
- Laundry facilities
- Restroom facilities
- Congregate kitchen facilities

- Storefronts
 - Other similar facilities
- b. Repair or maintain existing utility systems including, but not limited to:
- Electrical
 - Interior and exterior lightning
 - Water
 - Wastewater
 - Drainage
 - HVAC (heating, ventilation, air conditioning, and odor control systems)
 - Solar water heating
 - Fuel (gas, propane, etc.)
 - Other similar systems
- c. Repair or maintain existing roadway systems including, but not limited to:
- Road pavements
 - Curbs
 - Sidewalks
 - Ramps
 - Lighting systems
 - Median landscaping
 - Drainage systems
 - Exterior steps
 - Stairways
 - Parking areas
 - Other similar systems
- 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 existing equipment including, but not limited to:
- Elevators
 - Escalators
 - Lifts
 - Generators
 - Pumps
 - Motors
 - Communications systems
 - Security systems
 - Surveillance systems
 - Wastewater treatment systems
 - Other 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
 - Tree Root removal and subsequent repairs
 - Other similar activities
- b. Maintain grounds and landscaping including, but not limited to:
 - Planting
 - Mowing
 - Trimming
 - Weeding
 - Fertilizing
 - Aerating
 - Cutting
 - Other 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 existing structures including, but not limited to
 - Office buildings
 - Maintenance buildings
 - Residential buildings
 - Warehouses
 - Sheds
 - Equipment buildings
 - Dwelling units
 - Parking structures

- Trash and wall enclosures
 - Other similar structures or facilities
- b. Replace or reconstruct existing ancillary structures including, but not limited to:
- Retaining walls
 - Walls (except seawalls)
 - Fences
 - Gates
 - Storage tanks
 - Propane Tanks
 - Wastewater Treatment Plants
 - Reservoirs
 - Slope stabilization structures
 - Intake and collection boxes
 - Concrete Slabs
 - Curbs
 - Sidewalks
 - Ramps
 - Exterior steps
 - Stairways
 - Other similar structures

2. Facilities

- a. Replace or reconstruct existing facilities including, but not limited to
- Recreational (e.g., sport complexes)
 - Community (e.g., parks, neighbor centers)
 - Laundry facilities
 - Congregate Kitchens
 - Restroom facilities
 - Other similar facilities
- b. Replace or reconstruct existing utility systems including, but not limited to:
- Electrical
 - Interior and exterior lighting
 - Water
 - Wastewater
 - Drainage
 - HVAC
 - Solar water heating
 - Fuel
 - Communication systems
 - Security systems
 - Other similar systems
- c. Replace or reconstruct existing exterior lighting systems in compliance with section 201-8.5, HRS, Night Sky Protection Strategy.

- d. Replace or reconstruct existing roadway systems including, but not limited to:
- Road pavements
 - Curbs
 - Sidewalks
 - Lighting systems
 - Median landscaping
 - Parking areas, where replacement or reconstruction does not extend beyond previously disturbed soils
 - Other similar systems
- e. Replace or reconstruct existing equipment including, but not limited to:
- Elevators (including modifying the capacity of elevators within the same roofed structure)
 - Escalators
 - Lifts
 - Generators
 - Pumps
 - Motors
 - Communications systems
 - Security systems
 - Surveillance systems
 - Other similar equipment

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

1. Structures

- a. Replace or reconstruct existing ancillary structures excluding 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.

1. Modify existing office space, residential units, personnel shelters, storage areas, and similar facilities.
2. Modify utility systems including, but not limited to electrical, interior lighting, information technology, communication and security, HVAC, and similar systems.
3. 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).
4. Install new, localized utility systems including, but not limited to, electrical, water, wastewater, drainage, HVAC, and similar systems.
5. 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; outdoor lightning and similar equipment.
6. 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.
7. Install new exterior lighting systems in compliance with section 201-8.5, HRS, Night Sky Protection Strategy.
8. 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.
9. Install new substation, transformers, and electrical connections to supplement existing power supply.
10. 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, rehabilitation, and acquisition of structures and facilities.

1. 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, Wi-Fi hotspots, radio antennas, aerials, support structures, utility connections, foundations, and fences.
 - f. Installation of congregate mailboxes and adjoining sidewalks.
2. An individual action on up to four dwelling 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.
3. Rehabilitation of multi-family residential buildings that would not: 1) result in a change in density by more than 20 percent; 2) involve changes in land use from residential to non-residential; and 3) the cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
4. Rehabilitation of buildings and improvements when the density is not increased beyond four units, the land use is not changed, and the building footprint is not increased in a floodplain or wetland.
5. Rehabilitation of non-residential structures (including office and maintenance buildings, storage buildings, recreational, and community facilities, food or donation distribution facilities, and homeless resource centers, parking structures and garages, retaining walls and other slope stabilization structures [excludes the replacement or construction of new seawalls], and walls and trash enclosures) that would not: 1) result in a change in size or capacity by more than 20 percent; or 2) involve changes in land use.
6. Acquisition, improvement, reconstruction, or rehabilitation of public or community facilities, infrastructure, and utilities that would not increase the capacity or size of existing facilities by more than 20 percent.

7. New offices, community facilities, base yard, or recreational facilities 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.
8. Essential infrastructure and public utility services extensions to serve structures or facilities that include, but are not limited to, the following:
 - Water collection and distribution systems, fire protection, and solar water heating systems.
 - Sewer collection and distribution systems.
 - Drainage collection and distribution systems.
 - Agency maintained drainageways and channels, swales, berms.
 - Fuel (gas, propane, etc.) storage, collection, and distribution systems.
 - Electrical, communication, security, and telecommunication systems.
 - Interior roadways, driveways, curbs, parking lots.
9. 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.
10. Appurtenant equipment and facilities for outdoor recreation including, but not limited to, playfields, pavilion, picnic tables, volleyball, pickleball, and basketball courts.
11. Creation of temporary staging areas during periods of construction.

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.

1. 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.
2. 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.
3. Control plant growth and insects by using herbicides and pesticides that comply with applicable regulations.
4. Clear land to conduct site work for surveying, engineering design, and geologic and hydrologic studies.
5. Install underground sprinklers or drip irrigation systems.
6. 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.

7. Remove or fill in unused or unusable cesspools and septic systems pursuant to prevailing codes and regulations.
8. Reinter burial remains as approved by the applicable island burial council.

Part 2 Actions - Minor alteration 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 impacts 15 acres or less (non-contiguous) of an existing housing development.
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 housing developments to address surface water runoff, including installation of drainage ditches, dry wells, and implementation of other stormwater 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 housing development.
5. Construction of pedestrian/bike sidewalks and bike paths and walkways within housing development.
6. Installation ramps, sidewalks or walkways to increase accessibility to reach compliance with the Fair Housing Act, the Americans with Disabilities Act, or other Safe Harbor standards.
7. Alteration of retaining walls and fences (This work excludes the replacement or construction of new seawalls.)

8. Incidental clearing of land and preliminary site work for surveying, engineering design, and geologic and hydrologic studies.

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.
 - e. Conduct public meetings or hearings to disseminate information and receive public input.
2. Conduct GIS mapping, aerial mapping, land surveys, and similar activities.
3. 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.
4. 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, 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.

2. Demolition or removal of buildings, structures, equipment, site improvements, infrastructure and utilities, facilities, impounded property, or other improvements, including, but not limited to:
 - a. Buildings and Structure
 - Residential buildings, dwelling units, and ancillary structures.
 - Office and maintenance buildings, storage buildings, and community facilities.
 - Parking structures and garages.
 - Walls and trash enclosures.
 - b. Equipment
 - Exterior lighting, streetlights and utility poles, parking lot lights, security lighting, ball field and play court lighting, and bollards.
 - Recreational and community facilities and play equipment, fitness equipment, and trash compactors.
 - Communication and telecommunication systems, antennas, and towers.
 - c. Site Improvements
 - Roadways, driveways, and parking lots.

- Loading areas, curbs, and traffic calming improvements.
 - Sidewalks, exterior steps, ramps, walkways (open and covered), pedestrian bridges, and handrails.
 - Gates, fencing, and mailboxes.
 - Recreational facilities including but not limited to courts, fields, benches, tables, bike racks and paths, and irrigation lines.
- d. Infrastructure and Utilities
- Water collection and distribution systems, storage tanks/reservoirs, fire protection, and solar water heating systems.
 - Sewer collection and distribution systems.
 - Drainage collection and distribution systems.
 - Agency maintained drainageways and channels, swales, berms.

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.

1. Demolition or removal of buildings, structures, equipment, site improvements, infrastructure and utilities, facilities, impounded property, or other improvements, including, but not limited to:

- a. Buildings and Structures
- Retaining walls and other slope stabilization structures.
- b. Infrastructure and Utilities
- Fuel (gas, propane, etc.) storage, collection, and distribution systems.

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.

Part 2 Actions:

1. Zoning variances for buildings and structures
 - Residential buildings, dwelling units, and ancillary structures
 - Office and maintenance buildings, storage buildings, and community facilities
 - Parking structures and garages
 - Retaining walls and other slope stabilization structures

- Walls and trash enclosures
2. Zoning variances for site improvements
 - Roadways, driveways, and parking lots
 - Loading areas, curbs, and traffic calming improvements
 - Sidewalks, exterior steps, ramps, walkways (open and covered), pedestrian bridges, and handrails
 - Signage, gates, fencing, and mailboxes
 - Recreational facilities including but not limited to courts, fields, benches, tables, bike racks and paths, and irrigation lines
 3. Infrastructure and Utilities
 - Water collection and distribution systems, storage tanks/reservoirs, fire protection, and solar water heating systems
 - Sewer collection and distribution systems
 - Drainage collection and distribution systems
 - Agency maintained drainageways and channels, swales, berms
 - Fuel (gas, propane, etc.) storage, collection, and distribution systems

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.
11. Continuing government administrative activities.

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, including the Hawaii County Council, 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 the OHCD and public agencies through governor's executive orders or other legal instruments.
2. Transfer of title to real property.
3. Acquisition, but not improvement of, real property for public use.
4. Creation or termination of easements, covenants, or other rights in real property.
5. Subdivide and consolidate lands without change in existing land use.
6. Initiate and prosecute condemnation proceedings.
7. Dispose of land and any improvements thereon for development of housing projects.
8. Execute and administer right-of-entry agreements or use and occupancy contracts.
9. Leasing of land and any improvements thereon, where there is no substantial change in use.
10. 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.

11. Acquisition of real property and interests, including easements, quitclaim, fee simple, and leaseholds, in real property on which housing developments will be situated, provided that a site assessment is conducted.
12. 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.