

Re-organization of April 4, 2021 Comprehensive EXEMPTION LIST  
FOR THE STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

**2024 UPDATE**

The Department of Hawaiian Home Lands (DHHL) is comprised of the following divisions and offices:

- Office of the Chairman (OCH)
- Planning Office (PO)
- Administrative Services Office (ASO)
- Fiscal Office (FO)
- Information and Community Relations (ICRO)
- Homestead Services Division (HSD)
- Land Development Division (LDD)
- Land Management Division (LMD)

HISTORICAL NOTE

The current exemption list for the Department of Hawaiian Home Lands was reviewed and concurred upon by the Environmental Council on April 4, 2021. The 2015 list supersedes the previous list that was reviewed and concurred upon by the Environmental Council on October 18, 1982.

GENERAL NOTE

Chapter 343, HRS authorizes the Environmental Council to establish procedures to exempt specific types of actions from the need to prepare an environmental assessment because the actions will have minimal or no significant effect on the environment. If DHHL determines, through its judgment and experience, that a proposed action will individually and cumulatively probably have minimal or no significant effects, and the action is one that is eligible for exemption under HAR 11-200.1, subchapter 8, DHHL may prepare an exemption notice in accordance with subchapter 8. An action shall be determined to have a significant effect on the environment and will not be exempt, if it may

1. Irrevocably commit a natural, cultural, or historic resource;
2. Curtail the range of beneficial uses of the environment;
3. Conflict with the State's environmental policies or long-term environmental goals established by law;
4. Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State;
5. Have a substantial adverse effect on public health;
6. Involve adverse secondary impacts, such as population changes or effects on public facilities;
7. Involve a substantial degradation of environmental quality;
8. Be individually limited but cumulatively have substantial adverse effect upon the environment or involves a commitment for larger actions;
9. Have a substantial adverse effect on a rare, threatened, or endangered species, or its habitat;
10. Have a substantial adverse effect on air or water quality or ambient noise levels;
11. Have a substantial adverse effect on or be likely to suffer damage by being located in an

- environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;
12. Have a substantial adverse effect on scenic vistas and viewplanes, during day or night, identified in county or state plans or studies; or
  13. Require substantial energy consumption or emit substantial greenhouse gases.

Actions declared exempt from the preparation of an EA by DHHL are not exempt from complying with any other applicable statutes or rules.

Agencies may declare minor or routine actions that might otherwise trigger Hawaii environmental review exempt from the requirement to prepare an environmental assessment. Agencies may either:

1. Assert that the specific activity is a “de minimis” action that is a routine activity and/or ordinary function that does not have the potential to adversely affect the environment more than negligibly (Part I),
2. Or, show that the action falls within one of the ten (10) general types of action established in HAR §11-200.15(c) that will have minimal or significant effects on the environment (Part II).

In either case, Agencies have the discretion to choose whether or not to exempt a particular action.

Pursuant to HAR §11-200.1-8, all exemptions under Subchapter 8 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.

### **Part I: De Minimis Activities**

Pursuant to HAR §11-200.1-16, DHHL considers activities listed in Part I to be routine and ordinary functions within its jurisdiction and that by their nature do not have the potential to individually or cumulatively adversely affect the environment more than negligibly. Examples of routine activities and ordinary functions may include, among others: routine repair, routine maintenance, purchase of supplies, and continuing administrative activities involving personnel only, nondestructive data collection, installation of routine signs and markers, financial transactions, personnel-related matters, construction or placement of minor structures accessory to existing facilities; interior alterations involving things such as partitions, plumbing, and electrical conveyances. DHHL does not consider these activities to rise to the level of requiring chapter 343, HRS, environmental review. Part I activities are exempt from the preparation of an EA and the requirements of HAR §11-200.1-17 because the activities are considered de minimis.

**Type 1. Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.**

1. Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, clearing, grubbing, aerating, road clearing and patching, sweeping, removal of debris and other routine maintenance of the following agency maintained lands and facilities:
  - a. Ditches, channels, and common areas
  - b. Streets, roads, highways, bike paths, pedestrian ways, trails, parking lots and appurtenances
  - c. Flood-control, erosion-control, and drainage facilities
  - d. Parks
  - e. Landscaped areas
  - f. Beach accesses
  - g. Beaches
  - h. Cemeteries
2. Operation, maintenance, repairing, repainting, reroofing, cleaning, polishing, greasing, oiling, and servicing of the following facilities, structures, and equipment:
  - a. Existing buildings, offices and community facilities
  - b. Existing homestead homes
  - c. Structures required for essential utilities, including, but not limited to:
    - i. Water system components such as pumps, valves and controls, pipes and channels, water storage tanks, wells and other water sources
    - ii. Water and sewage handling and treatment systems
    - iii. Sanitary sewage systems
    - iv. Drainage systems
    - v. Electrical systems
    - vi. Communication systems
    - vii. Irrigation systems
    - viii. Gas systems
    - ix. Energy systems
  - d. Fencing, curbing, gates, walls, and retaining walls
  - e. Steps and stairways
  - f. Handicapped accessibility improvements, including walkways, stairways, ramps, and handrails
  - g. Individual and cluster unit mailboxes
  - h. Signage
  - i. Existing structures, including, but not limited to:
    - i. Storage sheds
    - ii. Electrical sheds
    - iii. Electric panels
    - iv. Pumphouses
    - v. Irrigation control panel sheds
    - vi. Garages and carports
    - vii. Mechanic shops
    - viii. Telecommunication equipment and sheds
    - ix. Plant nursery sheds and hothouses
    - x. Trash enclosures
    - xi. Litter containers
    - xii. Trash compactors
    - xiii. Recycling collection bins
    - xiv. Manhole and junction box covers

- j. Stationary and mobile motorized equipment
- k. Equipment, including, but not limited to:
  - i. Pumps, valves and motors
  - ii. Electrical transformers, cabinets, panels, and vaults
  - iii. Power, light, and telephone systems, including installation of poles
  - iv. Heating, ventilation, and air conditioning ("HVAC")
  - v. Odor control systems
  - vi. Security systems and alarms
  - vii. Communication systems including antennae
  - viii. Telecommunications and control systems, including supervisory control and data acquisition ("SCADA") systems
  - ix. Irrigation controllers
  - x. Telephone stations
  - xi. Emergency electrical generators
  - xii. Lifts provided for handicapped accessibility
- l. Traffic calming devices, including, but not limited to, new traffic and pedestrian control devices – speed humps, speed bumps, speed tables, traffic signals, directional, informational and regulatory signs, pavement markers, and striping
- m. Traffic and pedestrian safety measures — guardrails, escape ramps, sidewalks, bollards, and vehicle access barriers
- n. Exterior low blue spectrum security lighting and shielding, including, but not limited to, street lights, parking lot lights, security lighting, ball field and play court lighting, bollards, grounds, structures, parking lots, and wall sconces with a height limit of 15 feet
- o. Existing recreational facilities, structures, and equipment, including, but not limited to:
  - i. Recreation buildings, multi-purpose buildings, clubhouses, and education buildings
  - ii. Administration buildings, storage and operations buildings, and caretaker residences
  - iii. Comfort stations, bathhouses, and locker room facilities
  - iv. Water tanks developed to serve park or community use needs
  - v. Outdoor showers, drinking fountains, ornamental and swimming pools, and hose bibs
  - vi. Security and visitor information kiosks, concession stands, and phone booths
  - vii. Lifeguard towers and accessory or appurtenant structures
  - viii. Athletic fields, athletic courts, play court practice walls, skate parks, and appurtenant equipment and facilities
  - ix. Gymnasiums, skating rinks and related facilities
  - x. Planter boxes, arbors, botanical and community gardens, and plant nurseries
  - xi. Bandstands, pavilions, shelters, tent platforms, benches, picnic tables and charcoal disposals
  - xii. Signs and posts, and bike racks
  - xiii. Equipment sheds
  - xiv. Canoe hale
  - xv. Pedestrian bridges in park or community use areas

xvi. Play equipment, fitness exercise stations

3. Patching, resurfacing, striping and cleaning of pavement surfaces including, but not limited to, streets, roads, highways, pedestrian ways and walkways, bike paths, driveways, parking lots and appurtenances
4. Repair and maintenance of established footpaths, trails and bike paths, including those to beaches and beach accesses
5. Operation, repair, testing, and maintenance of vehicles
6. Abandoned vehicle pickup program operations
7. Collection of refuse and recyclables, and schedule changes
8. Operation, repairs, and maintenance of existing cemeteries, including the digging and covering of new graves
9. Relocation of cemetery grave contents that have been affected or are threatened to be affected by erosion, according to regulations for the Native American Graves Protection and Repatriation Act (NAGPRA, 43 CFR Part 10), and per guidelines provided in Hawaii Administrative Rules Chapter 13-300, as approved by the Island Burial Councils
10. Clearing of earth berms, drainage swales, culverts, stream banks, and streams including, but not limited to streams with direct outlet to the ocean
  - a. Routine maintenance and removal of dirt, rock, debris, and accumulated boulders from canals, streams, and flood-control debris basins and debris/catchment structures where such removal will not have an adverse impact on downstream waters, bays, or the environment
  - b. Vegetation clearing from streams, improved and unimproved drainage ditches, or swales. Work may involve removing and cutting of debris, brush, grasses, and trees
1. Removal of domestic sewage from residential and commercial waste and wastewater systems and the disposal of such material into municipal wastewater treatment facilities
2. Chemical control of vector
3. Construction staging areas and temporary storage of construction equipment and materials within project boundaries
4. Actions necessary for compliance with Occupational Safety & Health Administration requirements
5. Repair and maintenance of civil defense warning sirens
6. Spot control and treatment of plant growth, insects and weeds of landscaped grounds of the department using pesticides and herbicides approved by the State Department of Agriculture and the EPA, where mowing, trimming, weeding and other means or methods are not feasible.
7. Ancillary facilities: elevators (including modifying the capacity of elevators within the same roofed structure), escalators, conveyors, gates, fencing and other similar facilities.
8. Prevention and removal of potential hazards from DHHL maintained 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.
9. Removal of boulders, rocks, hazardous trees, marine debris, and other similar hazards necessary to maintain lands and waters in a safe condition.
10. Use of lands and waters by those exercising traditional and customary practices for minor noncommercial purposes or for the gaining of traditional ecological knowledge.
11. Pest control including but not limited to fumigation and treatment of buildings including traps for termites, cockroaches, ants, vermin, and other pests using pesticides registered by the State Department of Agriculture and the United States Environmental Protection Agency

(EPA). Include fumigation/herbicides for insects/bugs whether DHHL or contractor following DHHL instructions.

12. Hazard abatement for mold, lead-based paint, and/or asbestos remediation requiring chemical/ventilation treatment.
13. Repair or maintenance of existing structures or facilities that are necessary for the continued function and use, and to meet current local, state and federal standards and regulations.
14. Repair of cane haul roads, farm roads, jeep trails, and roadways for emergency bypass or escape route for use in the event of an emergency.
15. Abatement of hazards, provided all other state and federal laws relating to containment, disposal, and worker safety are followed.
16. Projects with a completed NEPA review that support a finding of Exempt Activities (58.34) and Categorically Excluded (58.35) which substantiate a categorization of de minimis activities.

**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.**

1. Replacement, reconstruction, alteration, modification (no change in use), or installation of any building, structure, facility, equipment or utility, including, but not limited to:
  - a. Homestead residential dwellings and accessory structures such as garages, carports and barns with a size limit of up to 800 square feet
  - b. Community use structures such as recreation buildings, multi-purpose buildings, clubhouses, and education buildings with a size limit of up to 800 square feet
  - c. Administration buildings, storage and operations buildings, and caretaker residences with a size limit of up to 800 square feet
  - d. Replacement of cesspools with Individual Wastewater Systems or other on site disposal systems as approved by the State Department of Health
  - e. Installation of systems with improved technology for energy savings, including but not limited to solar hot water and photovoltaic systems in compliance with HRS Chapter 201-8.5, Night Sky Protection Strategy.
  - f. Exterior door and window replacement
  - g. Steps and stairways
  - h. Handicapped accessibility improvements, including walkways, stairways, ramps, and handrails
  - i. Individual and cluster unit mailboxes
  - j. Signage
  - k. Fencing, curbing, gates, walls, and retaining walls [excluding seawalls] for 40% or less of the original structures
  - l. Landscaping, clearing, grading, and grubbing of less than 3 continuous acres, an area the size of subsistence agriculture lot; minor alterations of land for which grading permits are not required.
  - m. Clearing and maintenance of areas for emergency mitigation and access including, but not limited to, firebreaks, emergency landing zones, and properly staged operations and staging sites
  - n. Utility support systems for exempt landscaping projects, including, but not limited to sprinkler systems installation

- o. Pavements tied to a house, including but not limited to driveways, carports, and walkways
- p. Pavements, including but not limited to roadways, parking lots, , bikeways, sidewalks, jogging paths, multi-use pathways, and covered walkways less than half an acre in total area
- q. Traffic calming devices, including but not limited to traffic and pedestrian control devices – speed humps, speed bumps, speed tables, traffic signals, directional, informational and regulatory signs, pavement markers, and striping
- r. Traffic and pedestrian safety measures — guardrails, escape ramps, sidewalks, bollards, and vehicle access barriers
- s. Highway improvements for safety purposes - widening less than one lane width, adding shoulders, adding auxiliary lanes for localized purposes (i.e., turning, passing, decelerating lanes, etc.), correcting substandard curves and intersections, and grading cut slopes to a minor extent
- t. Bridge repair and/or replacement (for bridges without historic value) as long as the new bridge is limited to two traffic lanes. New bridge replacement could include bicycle route, pedestrian walkway and safety improvements to meet Federal and State Highway Standards
- u. Footbridge replacement and repair
- v. Public transportation shelters and bus stops
- w. Upgrading of existing street lighting system [in compliance with HRS §201-8.5]
- x. Litter containers, trash enclosures, trash compactors, and recycling collection bins up to 800 square feet in total area
- y. Recycling drop-off and redemption centers serving the surrounding residential community, and drop-off areas for clean yard waste and landscape debris generated in the surrounding community
- z. Storage sheds, maintenance sheds, electrical sheds, pump houses, and athletic equipment storage sheds
- aa. Drainage structures and facilities, earth berms, and stream banks without historic value
- bb. Comfort stations, bathhouses, and locker room facilities
- cc. Water tanks developed to serve park or community use needs
- dd. Outdoor showers, drinking fountains, ornamental and swimming pools, and hose bibs
- ee. Security and visitor information kiosks, concession stands, and phone booths
- ff. Lifeguard towers and accessory or appurtenant structures
- gg. Athletic fields, athletic courts, play court practice walls, skate parks, and appurtenant equipment and facilities
- hh. Gymnasiums, skating rinks and related facilities
- ii. Planter boxes, arbors, botanical and community gardens, and plant nurseries
- jj. Bandstands, pavilions, shelters, tent platforms, benches, picnic tables and charcoal disposals
- kk. Signs and posts, and bike racks
- ll. Security lighting of grounds, structures, and parking lots [in compliance with HRS §201-8.5]
- mm. Equipment sheds no larger than 3,500 square feet
- nn. Canoe hale
- oo. Play equipment, fitness exercise stations

- pp. Civil defense warning sirens
- 2. Replacement, reconstruction, alteration, modification (no change in use), or installation of equipment, including, but not limited to:
  - a. Pumps
  - b. Motors
  - c. Electrical transformers, cabinets, panels, and vaults
  - d. Power, light, and telephone pole systems
  - e. Solar hot water and photovoltaic systems
  - f. Installation of systems with improved technology for energy savings
  - g. Measures to increase resilience of structures, including but not limited to hurricane clips
  - h. HVAC
  - i. Odor control systems
  - j. Security systems and alarms
  - k. Communication systems including antenna
  - l. SCADA
  - m. Irrigation controllers
  - n. Telephone stations
  - o. Emergency electrical generators
  - p. Lifts provided for handicapped accessibility
- 3. Replacement, reconstruction, alteration, modification (no change in use or capacity), or installation of utility services, including, but not limited to:
  - a. Water, wastewater, drainage, electrical, communications, telecommunications, control systems, including SCADA systems, security, fire protection, air conditioning, odor, irrigation, and fuel systems, subject to compliance with all applicable permitting requirements, including State Department of Health requirements, **where the replacement reconstruction does not go deeper or wider than the original structures or systems**
  - b. Existing sewer lines and sewer service laterals, providing the action does not involve any increase in the overall capacity of the system beyond the capacity required to meet current and anticipated future service requirements in an established existing County wastewater system service area
  - c. Removal or filling of decommissioned cesspools with required permit
  - d. Replacement or reconstruction of domestic water wells for homesteading purposes
- 4. Interior alterations to buildings or structures that do not increase the floor area or change the occupancy
  - a. Construction work to maintain existing utilities
  - b. Expansion of utilities as need dictates in existing structures
  - c. Upgrades to plumbing and electrical systems that result in conservation of energy, water, or other reductions in waste production or resource demand
  - d. Installation of office partitions, electrical outlets, lighting
  - e. Renovations and reconstruction required to bring existing structures into compliance with current building codes and applicable health and safety regulations
  - f. Renovations that will result in energy or other operational cost savings
  - g. **Installation of security lights and alarms complying with HRS §201-8.5 Night sky protection strategy.**



- h. Normal removal and replacement of windows, doors, partitions, floors, ceiling, roof, and other building accessories/components due to wear and tear. This exemption does not include procedures needed to handle lead paint, asbestos, and other toxic substances
- i. Noise attenuation and noise barriers
- j. Replacement/reconstruction of existing water tanks, water catchment basins, water unites, pumps and controls, pipes, channels, dikes, moats, dams, reservoir structures and appurtenant features.
  - i. Including alterations/renovations to wastewater treatment plants, pre-treatment plants, lift stations, and pump stations.
  - ii. Rehabilitation/restoration at historic/archeological sites.

**Type 3. Construction and location of single, new, small facilities or structures and the alteration and modification of the 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. (No de minimis actions) 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
  - c. 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, and fences; and acquisition of utility easements.
1. Construction of new structures, including supplementary dwelling units (SDU) on DHHL lands (to include leased lands) of any of the following:
    - a. Single family residences constructed by owner/builder on vacant lot within a new DHHL Homestead subdivision that has been issued a Finding of No Significant Impact, or accepted by the accepting authority of a Final Environmental Impact Statement not in conjunction with the building of two (2) or more such units
    - b. New construction on an existing lot where the former home was demolished that is constructed by the owner, builder, and/or organizations such as Habitat for Humanity or a general contractor. Not to be applied to lots within new DHHL homesteads
    - c. Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such types of structures or facilities, with required permits
    - d. Accessory or appurtenant structures including collection, distribution and storage systems; small structures needed to house utilities, garages, carports, patios, driveways, swales, and individual and cluster unit mailboxes
    - e. Accessory dwelling units no greater than 800 square feet
  2. Construction of modifications, such as ramps and lifts for building/facility access, to ensure compliance with existing/new codes and regulations
  3. Installation of new, small ground water, surface water or atmospheric monitoring and data collection equipment and structures that house or protect them

4. Installation of electrical and telemetry systems to serve data collection equipment and structures that house or protect them
5. Re-burial of previously identified or inadvertently discovered remains over fifty (50) years old, with Department approval, and according to regulations for the Native American Graves Protection and Repatriation Act (NAGPRA, 43 CFR Part 10) and guidelines provided in Hawaii Administrative Rules Chapter 13-300
6. Construction, alterations or modification of small facilities which support department activities, to include lifeguard stations and similar public safety structures [excluding comfort stations, and waterless or composting toilet facilities]
7. Construction of traditional Native Hawaiian hale and halau using renewable materials, traditional construction techniques, and permeable foundations such as 'ili'ili, in general conformance with materials requirements and design standards as described in Maui County Code Chapter 16.26B.3800 "Hawaii Provisions for Indigenous Hawaiian Architecture Structures" and Revised Ordinances of Honolulu Chapter 16 Article 12, "Indigenous Hawaiian Architecture". No concrete or other modern materials for foundations or flooring
8. **Construction of imu**
9. **Modification of an existing building to comply with:**
  - 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.**
10. Construction or placement of minor structures accessory to existing facilities **up to 3,500 square feet.**
  - a. Installation of roof top water catchment systems
  - b. Placement of aerators for increasing the dissolved oxygen content for fish populations in reservoirs, nurseries, or ponds
  - c. Installation of utilities (telecommunications, electrical, drainage, waterlines and faucets, sewers) for use within a site/property
  - d. Installation of equipment such as pumps and valves; electrical transformers, cabinets, panels and vaults; power, light, and telephone poles/cables; heating, ventilation, and air conditioning; irrigation controllers; emergency electrical generators; and lifts provided for handicapped accessibility
  - e. Construction of retaining walls, perimeter walls and walls for traffic safety purposes less than four (4) feet in height that are properly engineered so as to not affect drainage on the site
  - f. Installation of items to facilitate compliance with construction best management practices procedures and requirements
  - g. Installation of signage (regulatory, directional, informational) and pavement markings
  - h. Construction of telecommunication equipment and sheds less than four (4) feet in height
  - i. Installation of glare screens, bollards, vehicular access barriers, energy attenuators, and other appurtenances designed to protect the motoring public

- j. Construction/installation of ground water or utility tanks with less than 25,000 gallon capacity or up to two storage tanks with capacity no greater than 32,000 gallons. Spill containment shall be provided when appropriate
- k. Construction/installation of water catchment tanks for residential homestead water catchment systems up to 25,000 gallons or up to two tanks with capacity no greater than 32,000 gallons. Spill containment shall be provided when appropriate.
- l. Installation of hurricane protection devices and other minor structural accessories that will facilitate resistance to damaging effects of natural hazards
- m. Traffic calming devices, including, but not limited to, traffic and pedestrian control devices – speed humps, speed bumps, speed tables, traffic signals, directional, informational and regulatory signs, pavement markers, and striping
- n. Noise attenuation and noise barriers
- o. Installation of above ground fuel tanks not to exceed 2,000 gallon capacity and appurtenances
- p. Placement of aerators for increasing the dissolved oxygen content for fish populations in reservoirs, nurseries, ponds
- q. Community recycling bin program expansion, limited to not more than a total bin footprint of 1,000 square feet within the same site.
- r. Construction and location of a single, new, small public facility structure, including but not limited to those intended for educational, meeting, administration, maintenance, operations, and safety and protection less than 3,500 square feet in floor area not in conjunction with the building or two or more such units.
- s. Construction of carports and garages up to 800 square feet.
- t. Construction on state lands of roadways and walkways
- u. with distances less than 1,000 yards Construction/modification of storage tank/reservoir and appurtenances for purposes of improving water quality or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional storage for increased development. New storage tank capacity not to exceed 25,000 gallons or up to two tanks with capacity no greater than 32,000 gallons.

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

- 1. Removal and/or cutting of trees that are burned, destroyed or diseased, or otherwise endanger life or property
- 2. Removal of gravel, rocks, trees (non-endangered species) and/or other materials necessary to make agricultural lands more productive and useful for grazing, farming and other related agricultural purposes
- 3. Landscaping alongside roadways, around buildings, and within existing parks and community use areas, including, but not limited to, planting of groundcover, grass, shrubs, and trees, sodding of bare areas for dust and erosion control, and installation of community gardens, involving minimal or no grading
- 4. Minor vegetation clearing and management, including mowing, pruning, and trimming. Work under this exemption shall be performed by the Department or its contractor. Work

shall involve cutting and removal of brush, grass, and small trees or bushes. Vegetation shall be hauled by truck to an approved sanitary landfill site, or allowed to remain onsite where feasible for use as compost or mulch

5. Re-burial of previously identified or inadvertently discovered remains over fifty (50) years old, with Department approval, and according to regulations for the Native American Graves Protection and Repatriation Act (NAGPRA, 43 CFR Part 10) and guidelines provided in Hawaii Administrative Rules Chapter 13-300
6. Minor grading and grubbing of lands not requiring a grading permit
7. Removal or filling of decommissioned cesspools with required permit
8. Pest control. Work under this exemption shall be performed by the Department or its contractor. Work shall involve placement of approved toxic baits, kill traps, live traps, snares, repellent and using EPA-regulated, commercially-available pesticides. Label instructions shall be strictly adhered to. No pesticides shall be allowed to enter State waters
9. Installation of guard rails
10. Vegetation clearing and removal work on or near the embankment, spillway, or outlet works of a dam facility with the intent of removing tall and/or woody vegetation which could pose a threat to the embankment or impede inspection of the facility. May also include clearing required for the mobilization of equipment or personnel to accomplish the task
11. Vegetation clearing and removal work to stabilize existing slopes and mitigate rockfall including work required to mobilize equipment and personnel to accomplish the task
12. Remove trees that endanger life or property, provided that nearby beneficiaries are consulted with prior to removal in the case of "exceptional trees" as defined in section 58-3, HRS
13. Land subdivision and consolidation for a housing development.
  - 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).
14. The reintroduction or supplementation (e.g., stocking) of native species into suitable habitat within their historic or established range
15. Maintenance and removal of all vegetation less than 15 feet in height from within the county road rights-of-way and easements
16. Clearing, grubbing, or grading of less than 100 cubic feet within existing public facility property boundaries.
17. Removal of invasive vegetation utilizing hand and mechanical means and the application of federal and state approved herbicides

**Type 5. Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.**

1. Surveys, research, and investigations into all aspects of water use, quantity, and quality
2. Planning data collection
3. Studies for the purpose of identifying hazardous conditions
4. Noise monitoring surveys

5. Drainage studies
6. Flood control studies
7. Site inventories and site assessments
8. Building evaluations
9. Economic analyses
10. Archaeological surveys, not to include clearing of vegetation in direct association with site evaluation and mapping
11. Air quality surveys
12. Water quality surveys
13. Foundation surveys and subsurface investigations (borings) provided cultural remains are not disturbed
14. Ecological and botanical surveys for which no permit is required
15. Surveys, research and investigations into all aspects of natural resource management, including native forest restoration and invasive species removal
16. Environmental impact research
17. Hazardous materials surveys
18. Data collection in accordance with NPDES requirements
19. Topographic, metes and bounds, sounding, wave, littoral transport and location surveys
20. Ground cover survey inspection of property for appraisal
21. Development feasibility studies
22. Installation of staff gauges, water monitoring and reporting equipment at dam facilities and appurtenant works to include trenching work and construction of supporting features such as equipment sheds, transmitting devices, solar panels, and minimal site grading and improvements for the safe operation and installation of these features
23. Phase II Investigation work on a dam or reservoir, including soil sampling and drilling, water monitoring, and/or test pit excavations. This may include clearing or needed to mobilize equipment or personnel to accomplish the task
24. Measurements of stream flow in accordance with the prescribed method and practices of, or acceptable to, the U.S. Geological Survey, installation of surface water monitoring equipment, and collection of data
25. Collection of ground water resource data and conducting of ground water monitoring
26. Construction of test wells with a casing diameter of not more than eight inches to provide ground truthing for water resources investigations, enabling testing of the aquifer for physical, chemical, biological qualities, as well as providing a pumping test to determine the specific capacity of the aquifer. Test wells shall not be developed as water sources unless an EA, EIS or negative declaration is prepared.
27. Collection of atmospheric data and conducting of climatological monitoring in accordance with the methods and practices of, or acceptable to, the National Weather Service and collection of data
28. Installation of new, small ground water, surface water or atmospheric monitoring and data collection equipment and structures that house or protect them
29. Installation of electrical and telemetry systems to serve data collection equipment and structures that house or protect them
30. Permission to enter state lands for the purpose of conducting the activities listed above
31. Fire flow tests.
32. Conduct leak detection data collection.
33. Conduct studies and assessments, including but not limited to traffic studies, air quality surveys, cultural surveys, noise level monitoring surveys, surveys, appraisals, building and

site physical needs assessments, lead, mold testing Phase I and/or Phase II environmental assessments.

**Type 6. Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §470, as amended, or chapter 6E, HRS.**

Demolition and removal of structures on Hawaiian Home Lands, except in cases where the structures to be demolished contain known hazardous substances such as asbestos and lead based paint, including but not limited to:

1. Demolition and removal of abandoned private property from Hawaiian Home Lands.
2. Demolition and removal of buildings and structures prior to or concurrent with the construction of a new or replacement building or structure, except those structures located on any historic site.
3. Demolition and removal of old, dilapidated, unsafe, buildings or structures which pose a hazard in accordance with building, housing, or health codes and regulations, including but not limited to, the decommissioning and backfilling of cesspools.
4. Demolition and removal of utilities and utility structures or portions thereof .
5. Demolition and removal of roadway paving, drainage structures, and security fencing.
6. Demolition and removal of unusable, obsolete, abandoned, or unauthorized structures or improvements on DHHL lands.

**Exemption Type #7: Zoning variances, with the exception of shoreline setback variances;**

1. Zoning variances for housing developments and public facilities, under chapter 201H, HRS.
2. Land acquisition for public use or provision of public services, except beachfront property.
3. Application for zoning variance for use of State lands disposed to private parties or to governmental agencies
4. Zoning variances of wastewater and solid waste facility properties
5. Demolition work: curbs, sidewalks, pavement, driveways, and buildings.
6. Zoning variances for storage of flammable and combustible materials, with the exception of use, density, height, or parking requirements.

**Exemption Type #8: Continuing administrative activities**

Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

1. Continuing DHHL administrative activities including, but not limited to, purchase of supplies and personnel-related actions
2. Purchase, maintenance and repair of supplies, services, equipment, and motor vehicles to support existing operations
3. Procurement of appraisals and other related studies and reports
4. Land consolidation of remnant parcels to provide additional land area for homesteading purposes
5. Minor subdivisions, defined as single-lot subdivisions involving one lot divided into two lots

6. Acquisition of interests, including easements, quitclaim, fee simple, and leaseholds, in real property, provided that DHHL has conducted an environmental site assessment pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), and the U.S. Environmental Protection Agency ("EPA") regulations under 40 CFR Part 312 and/or the American Society of Testing and Materials ("ASTM") standards under ASTM E1527-05 or E2247-08
7. Land exchanges including, but not limited to, transactions to correct existing roadway alignments and easement locations, public park facilities, and title transfers between DHHL and other State departments and between DHHL and County or federal agencies involving no monetary consideration
8. Subdivision consolidation of public lands to facilitate their transfer between the city and state for continuing public use without change in existing land use
9. Operation of initial or continuing DHHL programs consistent with established land use, including, but not limited to, stream debris clean-ups, storm drain stenciling, beach debris clean-up
10. Condemnation agreements and actions
11. Contracts for small purchases, professional services, competitive sealed proposals, competitive sealed bidding, or purchase of goods and services which are exempt from HRS Chapter 103D.
12. Training, environmental interpretation, public safety efforts and other educational activities
13. Transfer of title to real property.
14. Creation or termination of easements, covenants, or other rights in real property
15. Requests and/or administration of federal, state, county, or private assistance grants and/or resource allocations to support ongoing operations or implement programs.
16. Acquisition of property for public use, but not improvement of property, including easements, minor subdivision and consolidation of parcels necessary for acquisition for public use, such as rounding corners and minor street widening.
17. Acquiring Right-of-Entry agreements.
18. Operations of initial or continuing public programs consistent with established land use (for example, but not limited to, stream debris clean-ups, storm drain stenciling, beach debris clean-ups).
19. Rental or mortgage assistance.

**Exemption 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 that previously existing, and for which the legislature has appropriated or otherwise authorized funding**

1. Transfer of management authority or title over public lands between DHHL and public agencies through governor's executive orders or other legal instruments.
2. Subdivision and consolidation of lands without change in existing land use.
3. Initiation and prosecution of condemnation proceedings.
4. Disposal of land for development of housing projects.
5. Execution and administration of right-of-entry agreements.
6. Leasing of private land or existing structures, where there is no substantial change in use.
7. Exchange of lands for purposes including, but not limited to, correcting existing roadway alignments and easement locations; transfer of title to or from other state and county agencies for no or minimal monetary consideration.

8. Acquisition of interest, 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. Conveyance and transfer of retaining walls, walls, fences, gates, and similar improvements.
10. Transfer of title to land.
11. Creation or termination of easement, covenants, or other rights in structures or land.
12. Leases of land involving negligible or no expansion or change of use beyond that previously existing.
13. Appraisal of real property for land exchange proposals, determination of acquisition/sales price, rental establishment or the establishment of royalties.
14. Acquisition of land for wellsite development to be used for affordable housing.
15. Acquisition of land where other appropriate technical studies have already been completed or when the current usage will not change significantly

**Exemption Type #10: New construction of DHHL homestead development as described in the Hawaiian Homes Commission Act, Section 207, that meets the following:**

- (A) Has the use of state or county lands or funds or location within Waikiki as the sole triggers for compliance with chapter 343, HRS;
- (B) As proposed, conforms with DHHL's land use designations and codes that are the "Urban" county zoning classification equivalent; and
- ~~(C) As proposed, is consistent with the existing county zoning classification that allows housing; and~~
- (C) As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(11).

Note to ERP staff: DHHL "zones" our own lands. Therefore, can we use our land use designations and codes? We have codes that are similar to county classification that allow housing (eg. Homesteading, industrial, commercial). Is this classification valid instead of the previous verbiage of Exemption Type #10?

## **Part II: General Types of Actions Eligible for Exemption**

Pursuant to HAR §11-200.1-15, DHHL considers the general types of actions listed in Part II to be eligible for exemption. An action is eligible for exemption if it will probably individually and cumulatively have minimal or no significant effects. DHHL does not consider these activities to rise to the level of requiring chapter 343, HRS, environmental review. Part II activities are eligible for exemption from the preparation of an EA provided that a determination is made that there are no cumulative and or significant affects.

**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. Overhauling the following facilities, structures, and equipment:
  - a. Existing buildings, offices and community facilities
  - b. Repairs to existing homestead homes
  - c. Structures required for essential utilities, including, but not limited to:
    - i. Water system components such as pumps, valves and controls, pipes and channels, water storage tanks, wells and other water sources
    - ii. Water and sewage handling and treatment systems
    - iii. Sanitary sewage systems



- iv. Drainage systems
- v. Electrical systems
- vi. Communication systems
- vii. Irrigation systems
- viii. Gas systems
- ix. Energy systems
- d. Fencing, curbing, gates, walls, and retaining walls
- e. Steps and stairways
- f. Handicapped accessibility improvements, including walkways, stairways, ramps, and handrails
- g. Individual and cluster unit mailboxes
- h. Signage
- i. Existing structures, including, but not limited to:
  - i. Storage sheds
  - ii. Electrical sheds
  - iii. Electric panels
  - iv. Pumphouses
  - v. Irrigation control panel sheds
  - vi. Garages
  - vii. Mechanic shops
  - viii. Telecommunication equipment and sheds
  - ix. Plant nursery sheds and hothouses
  - x. Trash enclosures
  - xi. Litter containers
  - xii. Trash compactors
  - xiii. Recycling collection bins
  - xiv. Manhole and junction box covers
- j. Stationary and mobile motorized equipment
- k. Equipment, including, but not limited to:
  - i. Pumps, valves and motors
  - ii. Electrical transformers, cabinets, panels, and vaults
  - iii. Power, light, and telephone systems, including installation of poles
  - iv. Heating, ventilation, and air conditioning ("HVAC")
  - v. Odor control systems
  - vi. Security systems and alarms
  - vii. Communication systems including antennae
  - viii. Telecommunications and control systems, including supervisory control and data acquisition ("SCADA") systems
  - ix. Irrigation controllers
  - x. Telephone stations
  - xi. Emergency electrical generators
  - xii. Lifts provided for handicapped accessibility
- l. Traffic calming devices, including, but not limited to, new traffic and pedestrian control devices – speed humps, speed bumps, speed tables, traffic signals, directional, informational and regulatory signs, pavement markers, and striping
- m. Traffic and pedestrian safety measures — guardrails, escape ramps, sidewalks, bollards, and vehicle access barriers

- n. Exterior low blue spectrum security lighting and shielding, including, but not limited to, street lights, parking lot lights, security lighting, ball field and play court lighting, bollards, grounds, structures, parking lots, and wall sconces with a height above 15 feet
- o. Existing recreational facilities, structures, and equipment, including, but not limited to:
  - i. Recreation buildings, multi-purpose buildings, clubhouses, and education buildings
  - ii. Administration buildings, storage and operations buildings, and caretaker residences
  - iii. Comfort stations, bathhouses, and locker room facilities
  - iv. Water tanks developed to serve park or community use needs
  - v. Outdoor showers, drinking fountains, ornamental and swimming pools, and hose bibs
  - vi. Security and visitor information kiosks, concession stands, and phone booths
  - vii. Life guard towers and accessory or appurtenant structures
  - viii. Athletic fields, athletic courts, play court practice walls, skate parks, and appurtenant equipment and facilities
  - ix. Gymnasiums, skating rinks and related facilities
  - x. Planter boxes, arbors, botanical and community gardens, and plant nurseries
  - xi. Bandstands, pavilions, shelters, tent platforms, benches, picnic tables and charcoal disposals
  - xii. Signs and posts, and bike racks
  - xiii. Equipment sheds
  - xiv. Canoe hale
  - xv. Pedestrian bridges in park or community use areas
  - xvi. Play equipment, fitness exercise stations
- 2. Rehabilitation or restoration of existing structures and features at historic and archaeological sites in compliance with Chapter 13-275, Hawaii Administrative Rules
- 3. Removal of sand from ocean ponds or drainage ways for maintenance purposes as permitted by the U.S. Army Corps of Engineers and the State Department of Health
- 4. Acquisition of land presently utilized as maintenance accessways, by easement or deed, for the purpose of stream cleaning
- 5. Construction staging areas and temporary storage of construction equipment and materials outside project boundaries
- 6. Clearing and maintenance of areas for emergency mitigation and access including, but not limited to, firebreaks, emergency landing zones, and properly staged operations and staging sites.
- 7. Emergency repairs/reconstruction performed without a declaration of a state of emergency, to be filed after the action.
- 8. Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director.
- 9. Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent damage from continuing to occur and to restore the topographical features and biological resources.

**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**

1. Replacement, reconstruction, alteration, modification (no change in use), or installation of any building, structure, facility, equipment or utility, including, but not limited to:
  - a. Homestead residential dwellings and accessory structures such as garages, carports and barns with a size limit of up to 3,500 square feet
  - b. Community use structures such as recreation buildings, multi-purpose buildings, clubhouses, and education buildings with a size limit of up to 3,500 square feet
  - c. Administration buildings, storage and operations buildings, and caretaker residences with a size limit of up to 3,500 square feet
2. Litter containers, trash enclosures, trash compactors, and recycling collection bins up to 3,500 square feet in total area.
3. Emergency repairs/reconstruction performed without a declaration of a state of emergency, can be filed after the action
4. Essential utilities, including but not limited, to wastewater systems, drainage systems, water systems, electrical systems, communication systems, SCADA systems
5. Sanitary sewer line replacement, with a pipe that is no larger than the next largest nominal diameter size than the existing pipe, in generally the same alignment, or an adjacent parallel alignment, due to the need to increase to a minimum diameter standard for maintenance purposes or to accommodate wet weather peak flows. For the purposes of this item, increasing to the next largest nominal diameter size is considered to be a minor change, and is substantially the same dimensions. Upsizing to larger diameter pipe to service new facilities or structures is precluded.
6. Sanitary sewer relief line, in an adjacent parallel alignment, due to the need to accommodate wet weather peak flows or to restore flow capacity decreased by defect in the existing sewer.
7. Sanitary sewer relief line, in adjacent parallel alignment, to restore flow capacity for a section of existing sewer that experienced loss of capacity from original design.
8. Replacement or reconstruction of buildings (parking structures, office buildings, maintenance buildings, etc.) with no substantial change in use.
9. Replacement or reconstruction of roadway structures when flood or other phenomena causes complete collapse or serious damage to the structures which render them unsafe for traffic use.
10. Replacement or reconstruction of existing deteriorated and/or damaged structures to their original/better condition within areas under the jurisdiction of the DHHL.
11. Replacement or reconstruction of drainage improvements that will generally consist of installation of pipe culverts, construction of gutters where minor flooding occurs.
12. Replacement or reconstruction of existing roadway, bike paths and bike lanes, road intersections, roadway markings and striping, roadway shoulders, curves, and walkways, for safety purposes by resurfacing, restoration, rehabilitation, reconstruction, widening less than a single lane width, adding shoulders, adding auxiliary lanes for localized purposes (weaving, climbing, speed changes, etc.) and correcting substandard curves and intersections.
13. Replacement or reconstruction of earth berms, existing bridges, flumes, drainage swales stream banks and streams including, but not limited to, those with direct outlet to the ocean.

14. Replacement or reconstruction of areas for emergency mitigation of natural and man-made incidents, including, but not limited to, firebreaks, landing zones, staging areas, construction sites, operational sites.
15. Replacement of manholes, waterlines, meters, hydrants, valves, sewer lines and utility lines along and across roads and streets.
16. Replacement or reconstruction of existing asphaltic concrete paved roads of existing gravel roads will be located within the existing right-of-way and will have substantially the same purpose, capacity and dimensions as the road prior to construction
17. Replacement, reconstruction, alteration, modification, or installation of pavements including, but not limited to, roadways, ~~driveways~~, parking lots, ~~carports~~, ~~walkways~~, bikeways, sidewalks, jogging paths, multi-use pathways, and covered walkways less than an acre in total area

**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 per structure, if not in conjunction with the building of two or more such structures; and
  - d. swimming pools,
1. Construction of new structures, **including supplementary dwelling units (SDU)** on DHHL lands (to include leased lands) of any of the following:
    - a. Single family residences constructed by owner/builder on vacant lot that has not been issued a Finding of No Significant Impact, nor been accepted by the accepting authority of a Final Environmental Impact Statement, not in conjunction with the building of two (2) or more such units
    - b. Multi-unit structure designed for not more than four (4) dwelling units if not in conjunction with the building of two (2) or more such structures
    - c. Stores, offices, health clinics and restaurants 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
    - d. Essential public utility services extensions to serve such types of structures or facilities, including domestic water source development for homesteading purposes, with required permits
    - e. Accessory or appurtenant structures including domestic water source development for homesteading purposes, collection, distribution and storage systems; small structures needed to house utilities, garages, carports, patios, swimming pools, driveways, parking areas, swales, and individual and cluster unit mailboxes

- f. 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.
  - g. 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.
  - h. 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.
  - i. Rehabilitation of non-residential structures that would not:
    - i. result in a change in size or capacity by more than 20 percent; and
    - ii. involve changes in land use that include, but are not limited to, the following:
      - 1. Office and maintenance buildings, storage buildings, recreational, and community facilities.
      - 2. Parking structures and garages.
      - 3. Retaining walls and other slope stabilization structures.
      - 4. This work excludes the replacement or construction of new seawalls.
      - 5. Walls and trash enclosures.
2. Modifications to facilitate the storage or on-site repair of new equipment necessary for the operation and/or maintenance of the facility no greater than 20 percent of the project area
  3. Construction, alterations or modification of small facilities which support department activities, to include comfort stations, and waterless or composting toilet facilities
  4. 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.
  5. New offices, community facilities, baseyards, 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.
  6. Installation of civil defense warning sirens
  7. Installation of fencing for agricultural and cultural and natural resources management purposes
  8. Construction of fencing, gates, lighting, security alarms, camera systems and similar items for security and/or safety
  9. 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.
    - d. Agency maintained drainageways 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.
  10. Construction of interior roadways, driveways, parking lots, sidewalks, curbs, and gutters

11. Department of Land and Natural Resources identified residence, pavilions, cabins, shelters, sanitation facilities
12. Construction of utility storage sheds, maintenance sheds, electrical sheds, pump houses, trash enclosures, and portable modular buildings measuring less than 500 square feet in total area
13. Alteration or addition of comfort stations, pavilions, concessions, or other structures accessory to existing facilities to meet facility needs
14. Construction of carports and garages up to 3,500 square feet
15. Construction/modification of storage tank/reservoir and appurtenances for purposes of improving water quality or to meet current demands, fire flow standards and other operational requirements with no intention of providing additional storage for increased development. New storage tank capacity not to exceed 100,000 gallons
16. Construction on state lands of roadways up to 1,000 yards, with distances less than 3,500 yards and walkways
17. Construct new shoreline protection systems that are considered to be short-term to mid-term solutions, subject to the following thresholds
  - a. Un-grouted rock revetment or rip rap extending less than 500 linear feet.
  - b. Other methods extending less than 2,000 linear feet, including, but not limited to the following:
    1. Kyowa Bags
    2. Sandsaver
    3. Sandbags
    4. Elco-Rock v. Eco-Concrete vi. Living Shoreline (e.g., Sea Grass, Naupaka) vii. Erosion Matting
18. Construction of off-street parking facilities having capacities of up to 25 passenger vehicle stalls
19. Construction of irrigation ditches, flumes and structures having less than 200 gpm.
20. Construction and location, installation, or alteration of single-family residences less than 3,500 square feet, not in conjunction with the building of two or more such units, including but not limited to such housing built by profit or nonprofit organizations or students of a community college or technical school or under the sponsorship of a self-help housing program
21. Construction/installation of ground water or utility tanks with less than 100,000 gallon capacity. Spill containment shall be provided when appropriate.
22. Construction/installation of water catchment tanks for residential homestead water catchment systems up to 100,000 gallon capacity. Spill containment shall be provided when appropriate.
23. Natural resource management actions that the Department declares are designed specifically to monitor, conserve, or enhance the status of native species or native species' habitats, such as fences around or to manage rare, threatened or endangered plants. Fences shall contain step-overs or other features that permit pedestrian access for cultural and recreational use.
24. Construction and location of new, small facilities or structures necessary to support or enhance safe and effective management of lands and waters, such as baseyards, caretaker's residences, work cabins and shelters, sanitation facilities, and other similar structures.

**Exemption Type #4: Minor alterations in the conditions of land, water, or vegetation**

1. Construction of seepage drains/detention basins on DHHL lands where flows are kept within preexisting levels and for which a drainage study has been completed
2. Re-grading of road shoulders and installation of pedestrian/bike sidewalks and bike paths
3. Construction of walkways
4. Paving of previously existing graded parking areas and roadways
5. Vegetation clearing and removal work on or near the embankment, spillway, or outlet works of a dam facility with the intent of removing tall and/or woody vegetation which could pose a threat to the embankment or impede inspection of the facility. May also include clearing or construction of site improvements required for the mobilization of equipment or personnel to accomplish the task
6. Removal of an existing sea/retaining wall or shoreline armoring, subject to the following criteria:
  - a. The sea/retaining wall or armoring is structurally unsound as certified by a Structural Engineer;
  - b. Removal of the sea/retaining wall or armoring is determined as a mitigative measure to impacts identified by a technical study prepared by a certified professional engineer and/or coastal geologist;
  - c. The sea/retaining wall or armoring is determined to be a safety hazard to the public or environment, and the impacts of retaining the sea/retaining wall or armoring are determined greater than removal; or
  - d. Removal of the sea/retaining wall or armoring is performed in conjunction with beach nourishment.
7. Beach nourishment and sand dune restoration activities of less than 10,000 cubic yards of beach quality sand
8. Construction, in accordance with the Hawaii Well Construction and Pump Installation Standards, required to seal production, monitoring and geothermal wells which have been permanently discontinued, that have either been allowed to become unsealed, leaking, polluting, deteriorating in quality, uncontrollable, buried, or are in such a state of disrepair that continued use is impractical or unsafe
9. 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 housing development.
10. Incidental clearing of land and preliminary site work for surveying, engineering design, and geologic and hydrologic studies.
11. Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent further damage from occurring and to restore the topographical features and biological resources.
12. Controlled burning of vegetation less than ten (10) acres in size to improve wildlife habitat where non-native vegetative cover constitutes greater than 75% of the area.
13. Replacement or reconstruction of chain link fencing and gates
14. Construction and/or installation of any facility/structure, located within or along a County owned or maintained property or easements. Facilities/structures covered include but are not limited to: berms, drainage ditches, seepage drains/detention basins, drywalls, French drains, culverts (under existing County roadways to eliminate flooding), foot paths, lining for short sections of stream banks (for erosion control and slope stability), accessory

irrigation systems, accessible ramps and handrails, field offices, glare screens, safety barriers, guard rails, energy attenuators (and other appurtenances designed to protect the motoring public), utilities and new utility service extensions, sidewalks, curb and gutters, interior roadways, parking lots, driveways, pedestrian paths (within existing park facilities or not greater than 10,000 lineal 13 feet), equestrian trails (not greater than 10,000 lineal feet}, best management practices (BMPs), retaining walls (except in shoreline areas or the State conservation district).

15. Installation of screens for noise control, glare screens, bollards, vehicular access barriers, safety barriers, energy attenuators, and other items to protect the motoring public, except for those structures located on any historic site as designated in the National Register or Hawaii register as provided for in the Historic Preservation act of 1966, Public Law 89-665 (16 USC Section 470, as amended}, or Chapter 6E, Hawaii Revised Statutes.
16. Landscaping: removing trees taller than 15-feet or trimming trees above 15-feet in height and/or transplanting of trees; sodding of bare areas for dust and erosion control.
17. Minor earthwork or ground adjustments (which do not require a grading permit) within any existing County owned /maintained roadway or property, or for the purpose of eliminating hazards to vehicular traffic operations. Earthwork covered include but are not limited to: clearing, grading and grubbing of one acre or less; minor cut, fill and grading (which shall not exceed one hundred (100) cubic yards of material on any one site and does not exceed four feet in vertical height at its highest point for work outside of the Special Management Area, and shall not exceed fifty cubic yards of material on any one site and does not exceed two feet in vertical height at its highest point for work within the Special Management Area).
18. Removal or filling of unused or unusable cesspools pursuant to federal and state regulations.
19. Minor alterations in waters, including restoration of native species and control of invasive weeds, algae, invertebrates, fishes or other invasive aquatic organisms.

**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**

1. Archaeological surveys that include clearing of vegetation in direct association with site evaluation and mapping
2. Construction of site improvements needed to mobilize equipment or personnel to accomplish the task
3. Construction of exploratory wells not more than 8 inches in diameter to provide ground truth for water resource investigations, in accordance with the Hawaii Well Construction and Pump Installation Standards
4. Subsurface trenching or digging necessary to install scientific or geological data collection devices
5. Construction of test wells with casing diameter of not more than 12 inches to provide ground truth for water resources investigations, the suggested size will enable the aquifer to be tested for physical, chemical, biological qualities, as well as providing a pumping test to determine the specific capacity of the aquifer. Test wells shall not be developed to serve water unless an EIS or negative declaration is prepared



6. Subsurface exploration, soil boring and archaeological investigation. Archaeological investigations include historical research and archaeological inventory surveys, including subsurface test pits.
7. Surveying, engineering design and geologic and hydrologic studies with minor trimming of vegetation.

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

Demolition and removal of structures on Hawaiian Home Lands, including but not limited to:

1. Removal of an existing sea/retaining wall, shoreline armoring, or groin, subject to the following criteria:
  - a. The item to be removed has been either determined to be structurally unsound as certified by a Structural Engineer or determined to have ceased to perform its function;
  - b. Removal of the item is determined as a mitigative measure to impacts identified by a technical study by a certified professional engineer;
  - c. The item has been determined to be a safety hazard to the public or environment, and the impacts of retaining it have been determined to exceed those of its removal;
  - d. Removal is performed in conjunction with beach maintenance or restoration work.
2. The demolition of dilapidated, unsafe or dangerous buildings or structures required by building, housing or health codes and regulations.
3. Demolition of existing structures under the DLNR jurisdiction except seawalls and other coastal structures and those structures located on any historic site as designated in the National Historic Preservation Act of 1966, Public Law 89-655, or Chapter 6E, Hawaii Revised Statutes.
4. Demolition and removal of structures known to contain hazardous substances such as asbestos and lead based paint, with employment of proper containment and removal protocols as approved by the EPA

**Exemption Type #7: Zoning variances except shoreline setback variances;**

1. Zoning variances for buildings and structures
  - a. Residential buildings, dwelling units and ancillary structures
  - b. Office and maintenance buildings, storage buildings, and community facilities
  - c. Parking structures and garages
  - d. Retaining walls and other slope stabilization structures.
  - e. Walls and 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), pedestrian bridges, 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. **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 drainageways and channels, swales, berms.
  - e. Fuel (gas, propane, etc.) storage, collection, and distribution systems
4. Zoning variances of park and public properties, except shoreline setback variances.
5. Zoning variances for housing developments pursuant to Chapter 201H, HRS.

**Exemption Type #8: Continuing administrative activities**

1. Acquisition and leasing of land and facilities/improvements acquired for continued use, provided that the Department conduct a site assessment.
2. Acquisition, but not improvement of property, for DHHL use (including easements) and minor subdivision and consolidation of parcels for acquisition of property for DHHL use (including rounding corners and minor street widening).
3. Acquisition of lands for drainage purposes where there is a natural, existing drainage watercourse.
4. Consolidation of residential-zoned roadway remnant parcels into one lot (residential).
5. Subdivision of lot(s) not previously subdivided into roadway parcel(s) and roadway remnant(s).
6. Subdivision of portion of roadway due to encroachment or determined surplus.
7. Minor subdivisions, defined as single-lot subdivisions involving one lot divided into four or fewer lots.
8. Subdivisions initiated by a DHHL homestead lessee, as defined by the Hawaiian Homes Commission Act, involving one lot divided into multiple lots, with the intention to pass to a family member or successor with a minimum lot size of one-acre.

**Exemption 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**

1. Condemnation actions.
2. Acquisition, but not improvement of property, for public use (including easements) minor subdivision and consolidation of parcels necessary for acquisition of property for public use (including rounding corners and minor street widening).
3. Acquisition and leasing of land under the 201H, HRS program and facilities/improvements acquired for continued use.
4. Acquisition of interests, including fee simple, quitclaim, easements, and leaseholds, in real property on which a housing development will be situated.
5. Subdivision and consolidation actions/condo property regime without change in existing land use.

**Exemption Type #10: New construction of DHHL homestead development as described in the Hawaiian Homes Commission Act, Section 207, that meets the following:**

- (A) Has the use of state or county lands or funds or location within Waikiki as the sole triggers for compliance with chapter 343, HRS;
- (B) As proposed, conforms with DHHL's land use designations and codes that are the "Urban" county zoning classification equivalent; and

**(C) As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(11).**

Note to ERP staff: DHHL “zones” our own lands. Therefore, can we use our land use designations and codes? We have codes that are similar to county classification that allow housing (eg. Homesteading, industrial, commercial). Is this classification valid instead of the previous verbiage of Exemption Type #10?

1. Development of affordable housing provided pre-assessment consultations were conducted to determine the appropriateness of preparing an exemption notice or requiring an environmental assessment. Internal evaluations are conducted by DHHL staff.
2. 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 permits are obtained.
3. 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 permits are obtained.
4. Commercial-residential mixed use in urban areas.
5. Subsistence agriculture.
6. Accessory dwelling units, also known as Supplemental Dwelling Units.