

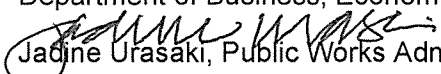


STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF FACILITIES AND OPERATIONS

March 28, 2024

TO: Mary Alice Evans
Director, Environmental Review Program
Office of Planning and Sustainable Development
Department of Business, Economic Development and Tourism

FROM: 
Jadine Urasaki, Public Works Administrator
Facilities Development Branch

SUBJECT: **Draft Comprehensive Exemption List for the Hawaii Department of Education**

Chapter 343, Hawaii Revised Statutes (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.

The Hawaii Department of Education (Department) hereby transmits its amended draft comprehensive exemption list for review and approval. Upon approval from the Environmental Council, the final Department comprehensive exemption list will supersede the original Department exemption list dated November 8, 2006.

Attached is the amended draft comprehensive exemption list which has been reorganized to comply with the 2019 revisions to HAR Chapter 11-200.1.

Should you have any questions, please call Gaylyn Nakatsuka, Architect with the Facilities Development Branch, Planning Section, at (808) 784-5088 or via email at gaylyn.nakatsuka@k12.hi.us.

Thank you.

ESI:gn
Attachment

c: Facilities Development Branch

“DRAFT”
COMPREHENSIVE EXEMPTION LIST
FOR THE
STATE OF HAWAII
DEPARTMENT OF EDUCATION
AMENDED, MAY 2022

The proposed “draft” Department of Education (DOE) Comprehensive Exemption List amends the November 8, 2006, exemption list for the DOE.

TERMS AND DEFINITIONS

Building – Enclosed structures with roof, walls and usually doors and windows.

Structure – Vertically erected features, such as building, fencing, covered walkway, bus stop, or signage.

Facility – One or more structures that serve a particular purpose.

Environment – Humanity’s surroundings, inclusive of all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including land, human, and animal communities, health, air, water, minerals, flora, fauna, ambient noise, and objects of historic, cultural, or aesthetic significance.

Cumulative impact – Impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes the other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

De minimis actions – Routine activities and ordinary functions within the jurisdiction or expertise of the agency that by their nature do not have the potential to individually or cumulatively adversely affect the environment more than negligibly and that the agency considers to not rise to the level of requiring chapter 343, HRS, environmental review. De minimis actions are exemptions that do not need an exemption notice or publication.

Exemption list – A list of the types of actions an agency considers to not rise to the level of requiring further environmental review. It is a guidance document that agencies use to communicate to agency staff and the public the types of actions that could be exempt from further environmental review. It needs to obtain concurrence from Council.

Exemption notice – The document that agencies use to declare a project is exempt from further environmental review.

Sensitive environment – Sensitive environment or environmentally sensitive area includes but is not limited to flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, and coastal waters.

Utility systems – Include systems such as cable, communication, surveillance, fire alarm and suppression, electrical, fuel, drainage, irrigation, sewer, water, and ventilation system.

GENERAL NOTE

Chapter 343, Hawaii Revised Statutes (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. Pursuant to, Hawaii Administrative Rules (HAR), Section 11-200.1-15, there are ten types of actions that shall generally be exempt from the preparation of an environmental assessment (EA). Pursuant to HAR §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 sensitive environment includes but is not limited to estuary, flood plain, geologically hazardous land, sea level rise exposure area, special management areas, tsunami inundation areas, and wetlands.

This DOE exemption list was prepared in compliance with the 2019 revisions to the HAR Chapter 11-200.1. The DOE exemption list is organized by:

Part 1 – Actions that DOE considers to be de minimis (HAR, §11-200.1-16 (a)(1));

Part 2 – Actions that DOE determines to be included within the exempt general types listed in HAR, §11-200.1-15, provided that the agency fulfills the exemption notice requirements set forth in section 11-200.1-17 and chapter 343, HRS (HAR, §11-200.1-16 (a)(2)).

Under Part 1 and Part 2, the DOE exemption list is further organized by the exempt general types of actions (HAR, §11-200.1-15).

PART 1: DE MINIMIS

Routine activities and ordinary functions that do not have the potential to affect the environment more than negligibly.

General Exemption Type 1: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or change of use beyond that previously existing.

1. Operations, repairs, and maintenance of building features, such as:
 - A. Ceiling
 - B. Roofing
 - C. Flooring
 - D. Walls, doors, and windows
 - E. Stairs and elevators
 - F. Hallways
 - G. Lanais
 - H. Bathroom, restroom, and shower facilities
 - I. Railings and guardrails
 - J. Utility systems
 - K. Heating, ventilation, and air conditioning systems
 - L. Furniture
 - M. Equipment
 - N. Waste treatment facilities
2. Operations, repairs, maintenance, or minor expansion of exterior features, such as:
 - A. Covered walkways
 - B. Shade structures
 - C. Parking lots, driveways, roadways, and walkways
 - D. Athletic and play fields
 - E. Playcourts
 - F. Playground equipment
 - G. Utility systems
 - H. Gates, walls, and fences
 - I. Ramps, steps, and stairways
 - J. Exterior lights, poles, and posts
 - K. Signage
 - L. Other appurtenant structures and equipment

General 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. Alterations to structures
2. Utility systems
3. Parking lots, driveways, roadways, and walkways
4. Resurface existing play field and athletic synthetic surfacing systems
5. Replace appurtenant structures, such as:
 - A. Covered walkways
 - B. Shade structures
 - C. Bus stop or covered bus loading areas
 - D. Portable structure
 - E. Storage structures
 - F. Bathroom, restroom, and shower facilities
 - G. Open performing areas
 - H. Bleachers
 - I. Playground, playcourt, and fitness equipment and surfacing
 - J. Gates, walls, and fences
 - K. Lights and light poles
 - L. Signage
 - M. Other appurtenant structures and equipment

General 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) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements.

1. Projects that bring schools into compliance with current federal, state, and county regulations, such as building codes, county fire and safety codes, Hawaii Department of Health regulations, Americans with Disabilities Act (ADA) regulations, gender equity regulations (Title IX of the Education Amendment Act of 1972), as well as Occupational Safety and Health Administration (OSHA) requirements. Example projects include, but are not limited to:
 - A. ADA improvements
 - B. Fire alarm improvements or upgrades
 - C. Girls athletic locker rooms
 - D. Softball field improvements
2. Health and safety improvements
3. Erosion control, slope stabilization and rock fall control
4. Renewable power equipment and systems, including but not limited to:
 - A. Photovoltaic and solar systems
 - B. Vehicle charging stations
5. Utility systems
6. Construction and expansion of appurtenant structures, including but not limited to:
 - A. Parking lots
 - B. Covered walkways
 - C. Shade structures
 - D. Bus stop or covered bus loading areas
 - E. Portable structure
 - F. Storage structures
 - G. Bathroom, restroom, and shower facilities
 - H. Open performing areas
 - I. Bleachers
 - J. Playground, playcourt, and fitness equipment and surfacing
 - K. Gates, walls, and fences
 - L. Lights and light poles
 - M. Signage
 - N. Other appurtenant structures and equipment

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

1. Vegetation clearing and landscaping
2. Grading or grubbing
3. Construction and alteration of walkways and other similar items

General 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. Data collection and survey
2. Designing and planning
3. Research and study

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

1. Demolition work of facilities and utility lines, except the structures that are listed on the national register or Hawaii Register of Historic Places.

General Exemption Type 7: Zoning variances except shoreline setback variances.

1. Application for zoning variance except shoreline setback variances.

General Exemption Type 8: Continuing administrative activities.

1. Acquisition, leasing, and disposal of land that does not result in a substantial change in the functional use of the property
2. Purchase and work on equipment, furniture, and office supplies
3. Installation or removal works of art
4. Promulgation of rules, regulations, directives, and program guidance

General 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.

None.

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

None.

PART 2: EXEMPTION NOTICE

Types of actions eligible for exemption under HAR §11-200.1-15 that will have minimal or no significant effects on the environment.

General Exemption Type 1: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or change of use beyond that previously existing.

None.

General 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. Do not affect structures that are listed on the National Register or Hawaii Register of Historic Places, or structures without a historic significance determination
2. Occur outside the existing DOE property boundary

General 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) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including porches, carports, patios, swimming pools, and fences; and acquisition of utility easements.

1. New school facilities, including housing, on existing campuses, except for gymnasiums, auditoriums, and cafeterias.
2. Expansion, alteration and modification of existing facilities.

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

1. Removal of unexploded ordnances

General 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.

None.

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

None.

General Exemption Type 7: Zoning variances except shoreline setback variances.

None.

General Exemption Type 8: Continuing administrative activities.

None.

General 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.

None.

General 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.
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None.