

**“DRAFT”**  
**COMPREHENSIVE EXEMPTION LIST**  
**FOR THE**  
**STATE OF HAWAII**  
**DEPARTMENT OF EDUCATION**  
**AMENDED, \_\_\_\_\_ 2024**

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

### **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, Hawaii Revised Statute (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 the Environmental Advisory 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, HRS authorizes the Environmental Advisory Council to establish procedures to exempt specific types of actions from the need to prepare an environmental assessment (EA) 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 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 exemption list was prepared in compliance with the 2019 revisions to the HAR Chapter 11-200.1. and is organized by:

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

**Part 2** – Actions that the Department 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)).

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

1. When an agency proposes an action during a governor-declared state of emergency, the proposing agency shall document in its records that the emergency action was undertaken pursuant to a specific emergency proclamation. (HAR, Section 11-200.1-8(b)).
2. If the emergency action has not substantially commenced within sixty (60) days of the emergency proclamation, the action will be subject to Chapter 343, HRS (HAR, Section 11-200.1-8(b)).
3. In the event of a sudden unexpected emergency causing or likely to cause loss or damage to life, health, property, or essential public service, but for which a declaration of a state of emergency has not been made, a proposal agency undertaking an emergency action shall document in its records that the emergency action on its list of exemption notices for publication by the office in the bulletin pursuant to section HAR, Section 11-200.1-17(c).

Under Part 1 and Part 2, the Department 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. Buildings and structures (Match to similar language in Part 1, Type 2 1)
  - B. Teacher/Workforce housing units
  - C. Bike racks and other transportation device storage/racks
  - D. Drainage collection and distribution systems
  - E. Roofing
  - F. Slopes and embankments
  - G. Storm drain cleaning
  - H. Vegetation clearing
  - I. Bathrooms, restrooms, custodial rooms, shower facilities, locker rooms, and related facilities
  - J. Stairs, lifts, elevators, ramps, steps, railings, handrails, guardrails, curb cuts, and related facilities/equipment
  - K. Bollards, walls, gates, fences, retaining walls, lighting, and other similar items necessary for the security or continued operation of a facility or structure
  - L. Lanais, courtyards, pergolas, patios, and related spaces
  - M. Fuel tanks (gas, propane, etc.)
  - N. Hose bibs, drinking fountains, hydration systems, irrigation systems, shower stalls, sinks, mop sinks, foot washes, emergency eye wash and shower stations, and other fixtures
  - O. Utility systems (water, sewer, electrical, telecommunication, and related systems), including backflow preventers, valve boxes, transformers, septic tanks, and manhole structures
  - P. Fire protection systems
  - Q. Heating, ventilation, and air conditioning systems
  - R. Furniture
  - S. Acquisition of land or easements required for existing facilities
  - T. Rock removal to stabilize slopes
  - U. Erosion control, slope stabilization and slope embankments using rip-rap, shotcrete, net drapery, rockfall impact barrier, or other methods
  - V. Implement traffic management plans and similar measures during construction to minimize traffic impacts

## W. Equipment

- i. Emergency generators and electrical equipment, repair or maintain vehicles, trucks, machinery, maintenance and construction equipment, and other similar equipment necessary to support operations.
- ii. Temporary storage and staging of equipment and materials on State and County lands as necessary to support exempted and planned repair or maintenance activities.
- iii. Pumps, fire hydrants, fire standpipes, valves, manholes, motors; electrical transformers, cabinets, panels, vaults, switch gears and associated equipment; power, light, telephone, communication and security systems, irrigation controllers, backflow preventers, septic tanks, injection wells

X. Other associated equipment.

Y. Wells and related equipment

Z. Waste treatment facilities, septic systems

AA. Plaques, art installations, and murals on existing structures

BB. Interior alterations and renovations to existing facilities including but not limited to partitions, doors, ceiling, flooring, windows, walls, hallways, bathroom, restroom, shower facilities, custodial room, railings, stairs, built-in furnishing, built-in equipment, classrooms, offices, kitchens, shops, locker rooms, and storage

**2. Operations, repairs, maintenance, or minor expansion of exterior features, such as:**

- A. Buildings and structures
- B. Roofs
- C. Covered walkways, shade structures, covered and open playcourts
- D. Bleachers
- E. Pavements (and striping, as needed), including but not limited to roadways, driveways, parking lots, walkways, and bikeways
- F. Athletic and play fields, tracks, playgrounds, playground equipment, playcourts, and other athletic and physical education facilities
- G. Utility systems (water, sewer, electrical, telecommunication, and related systems; including backflow preventers, valve boxes, transformers, septic tanks, and manhole structures)
- H. Drainage systems (earth berms, culverts, channels, conduits, swales, inlets, outlets and other similar improvements); storm drain cleaning
- I. Existing sewage and water pumping stations, septic systems, injection wells, and other related facilities and improvements
- J. Hose bibs, drinking fountains, hydration systems, irrigation systems, shower stalls, sinks, mop sinks, foot washes, emergency eye wash and shower stations, and other fixtures
- K. Water wells, pipes, channels, pumps, well sealing, and related equipment and facilities

- L. Gates, walls, bollards, retaining walls, berms, safety barriers, guardrails, railings, and fences
- M. Stairs, lifts, elevators, ramps, steps, railings, handrails, guardrails, curb cuts, and related facilities/equipment
- N. Exterior lights, poles, and posts (outdoor lighting to be dark sky compliant) including but not limited to athletic stadium lighting, street/roadway lighting, building and parking lot lighting and other similar equipment
- O. Signage, posts, flag/banner poles, electronic signs, school sign structures, murals and art installations
- P. Painting of existing buildings and improvements
- Q. Erosion control, slope stabilization and slope embankments using rip-rap, shotcrete, net drapery, rockfall impact barrier, or other methods
- R. Hydro-mulching or using other methods to prevent soil erosion
- S. Solar water heating systems, and related equipment
- T. Photovoltaic systems and related equipment
- U. Traffic calming devices
- V. Trash enclosures and litter containers
- W. Tree/plant nursery facilities, green houses, agricultural program facilities
- X. Fuel tanks, above ground and underground
- Y. Vehicles, equipment, and tools including testing and maintenance of compressors, generators, water pumps, electrical testing equipment, telemetering equipment, and similar
- Z. Water mains, meters, fire hydrants, fire standpipes, valves, monitoring wells
- AA. Electrical equipment and associated appurtenances
- BB. Fumigation and treatment of buildings for termites, cockroaches, ants, vermin, and other pests using pesticides registered by the State Department of Agriculture and the EPA; Vector control remedies
- CC. Landscaping, including planting, mowing, trimming, clearing, grading, and irrigation
- DD. Lands and waters to remove weeds, brushes, grass and other unwanted vegetation
- EE. Routine pruning, trimming, thinning, and removal of trees
- FF. Existing machinery, equipment and vehicles to support Departmental operations and baseyard, shop, and automotive facilities
- GG. Removal of boulders, rocks, hazardous trees, stream debris, and other similar hazards necessary to maintain the school facility
- HH. Removal or treatment of hazardous substances: Removal, mitigation, stabilization or containment of mold, asbestos, radon, lead paint, arsenic or other controlled substances
- II. Storage of construction equipment and materials for a limited period of time as necessary to support planned or existing construction or repair

- JJ. Transfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor's executive order
- KK. Transfer of title to land
- LL. Acquisition of land or interests in land
- MM. Creation or termination of easement, covenants, or other rights in structures or land
- NN. Leases of state land involving negligible or no expansion or change of use beyond that previously existing
- OO. Subdivision or consolidation of lots
- PP. Permits, licenses, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously exist
- QQ. Granting to person the privilege to conduct operations involving the provision of goods, wares, merchandise, or services to the general public including, but not limited to, food and beverage operations, rental and retail operations, or communications and telecommunications services in or on existing building, facility or area
- RR. Mitigation of any hazardous conditions that present imminent damage as determined by the Superintendent and that are necessary to protect public health, safety, welfare or public trust resources.
- SS. Other appurtenant structures and equipment
- TT. Upon determination of the Superintendent that an emergency exists, emergency mitigation and restoration work to prevent damage from continuing to occur and to restore the building and topographical features

**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, replacement or reconstruction of buildings and structures
2. Teacher/Workforce housing units
3. Utility systems (water, sewer, electrical, telecommunication, and related systems), including backflow preventers, valve boxes, transformers, septic tanks, and manhole structures
4. Fire protection systems
5. Drainage collection and distribution systems
6. Pavements (and striping, as needed), including but not limited to roadways, driveways, parking lots, walkways, and bikeways
7. Stairs, lifts, elevators, ramps, steps, railings, handrails, guardrails, curb cuts, and related facilities/equipment
8. Slopes and embankments

9. Cesspools, leach fields, septic systems, waste treatment facilities
10. Furniture
11. Bike racks and other transportation device storage/racks
12. Resurface existing play field, athletic synthetic surfacing systems, athletic fields, tracks, playground and playcourt surfacing systems
13. Hose bibs, drinking fountains, hydration systems, irrigation systems, shower stalls, sinks, mop sinks, foot washes, emergency eye wash and shower stations, and other fixtures
14. Wells and related equipment
15. Exterior lights, poles, and posts (outdoor lighting to be dark sky compliant) including but not limited to Athletic Stadium lighting, street/roadway lighting, building and parking lot lighting and other similar equipment
16. Signage, posts, flag/banner poles, electronic signs, school sign structures, murals and art installations
17. Solar water heating systems, and related equipment
18. Photovoltaic systems and related equipment
19. Traffic calming devices
20. Trash enclosures and litter containers
21. Tree/plant nursery facilities, green houses, agricultural program facilities
22. Fuel tanks, above ground and underground
23. Vehicles, equipment, and tools including testing and maintenance of compressors, generators, water pumps, electrical testing equipment, telemetering equipment, and similar
24. Water mains, meters, fire hydrants, fire standpipes, valves, monitoring wells
25. Water well and pumps and associated appurtenances
26. Electrical equipment and associated appurtenances
27. Wastewater treatment facility where the County does not have any off-site sewer system available; does not have the system capacity to permit any additional sewage loading; or requires some treatment before discharge into their system. New wastewater treatment facility will have substantially the same capacity as the original facility.
28. Replace or upgrade of existing rockfall protection systems, including but not limited to: wire mesh drape, anchored wire mesh, impact fence system, shotcrete, combination impact fence and wire mesh drape, catchment ditch, retaining wall or other similar improvements
29. Storage of construction equipment and materials for a limited period of time as necessary to support planned or existing construction or repair
30. Exterior doors and windows replacements
31. Interior alterations and renovations to existing facilities including but not limited to partitions, doors, ceiling, flooring, windows, walls, hallways, bathroom, restroom, shower facilities, custodial room, railings, stairs, built-in furnishing, and built-in equipment
32. Replace appurtenant structures, such as:

- A. Covered walkways, shade structures, covered and open playcourts
- B. Guard shacks
- C. Bike racks, and other transportation device storage/racks
- D. Bus stop or covered bus loading areas
- E. Portable structure
- F. Storage structures
- G. Bathrooms, restrooms, custodial rooms, shower facilities, locker rooms, and related facilities
- H. Stairs, lifts, elevators, ramps, steps, railings, handrails, guardrails, curb cuts, and related facilities/equipment
- I. Hose bibs, drinking fountains, hydration systems, irrigation systems, shower stalls, sinks, mop sinks, foot washes, emergency eye wash and shower stations, and other fixtures
- J. Open performing areas
- K. Parking structures, garages, carports, and parking lots
- L. Bridges, including pedestrian bridges
- M. Drainage structures
- N. Bleachers
- O. Batting cages
- P. Playground, playcourt, and fitness equipment and surfacing
- Q. Landscaping and irrigation systems
- R. Earth berms and drainage swales
- S. Cesspools and leach fields with required permits
- T. Gates, walls, bollards, retaining walls, berms, safety barriers, guardrails, railings, and fences
- U. Lights and light poles (outdoor lighting to be dark sky compliant), including but not limited to athletic stadium lighting, street/roadway/parking lot lighting, building lighting, etc.
- V. Equipment
  - i. Emergency generators and electrical equipment, repair or maintain vehicles, trucks, machinery, maintenance and construction equipment, and other similar equipment necessary to support operations.
  - ii. Temporary storage and staging of equipment and materials on State and County lands as necessary to support exempted and planned repair or maintenance activities.
  - iii. Pumps, motors; electrical transformers, cabinets, panels, vaults, switch gears and associated equipment; power, light, telephone, communication and security systems, irrigation controllers.
- W. Other associated equipment.



- X. Signage, posts, flag/banner poles, electronic signs, school sign structures, murals, and art installations
- Y. Outdoor exhibit walls, sculptures, and statues
- Z. Plaques on existing structures
- AA. Planter boxes
- BB. Retaining walls and slope retaining structures, except in shoreline areas
- CC. Scorekeeper booths, press boxes, concessions, storage, maintenance rooms/structures, and scoreboards
- DD. Swimming pools and related equipment
- EE. 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), special education requirements 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
  - E. Cesspool conversion improvements
2. Health and safety improvements

3. Bike racks and other transportation device storage/racks
4. Hose bibs, drinking fountains, hydration systems, irrigation systems, shower stalls, sinks, mop sinks, foot washes, emergency eye wash and shower stations, and other fixtures
5. Erosion control, slope stabilization and slope embankments using rip-rap, shotcrete, net drapery, rockfall impact barrier, impact fence systems or a combination thereof, or other method, catchment ditch and retaining walls
6. Renewable power equipment and systems, including but not limited to:
  - A. Photovoltaic and solar systems
  - B. Vehicle charging stations
7. Utility systems (water, sewer, electrical, telecommunication, and related systems), including backflow preventers, valve boxes, transformers, septic tanks, and manhole structures
8. New equipment including, but not limited to, elevators, lifts; generators, pumps, or motors.
9. New equipment to promote safety, security and accessibility including but not limited to: traffic calming devices, electronic message signs, safety equipment (e.g., safety barriers, guardrails, directional, informational and regulatory signs, light standards, hazard elimination and mitigation); and emergency generators
10. New exterior lighting systems
11. New on and off-street parking facilities
12. New transformers, and electrical connections to supplement existing power supply
13. Interior alterations and renovations to existing facilities including but not limited to partitions, doors, ceiling, flooring, windows, walls, hallways, bathroom, restroom, shower facilities, custodial room, railings, stairs, built-in furnishing, built-in equipment, classrooms, offices, kitchens, shops, locker rooms, and storage
14. Installation of items to facilitate compliance with construction best management practices procedures and requirements
15. Construction and expansion of appurtenant structures, including but not limited to:
  - A. Buildings and structures
  - B. Teacher/Workforce Housing units
  - C. Baseyards
  - D. Guard shacks
  - E. Parking structures, garages, carports, and parking lots
  - F. Covered walkways, shade structures, covered and open playcourts
  - G. Bus stop or covered bus loading areas
  - H. Temporary parking and temporary storage of construction equipment and materials on DOE property
  - I. Portable structure
  - J. Storage structures

- K. Bathrooms, restroom, custodial rooms, shower facilities, locker rooms, and related facilities
- L. Open performing areas
- M. Bleachers
- N. Playground, playcourt, and fitness equipment and surfacing
- O. New ancillary facilities including but not limited to retaining walls, walls, fences, gates, curbs, sidewalks, ramps, bollards, berms, safety barriers, guardrails, railings, exterior steps, and stairways
- P. Lights and light poles (outdoor lighting to be dark sky compliant), including but not limited to athletic stadium lighting, street/roadway/parking lot lighting, building lighting, etc.
- Q. New drainage systems including, but not limited to, swales, ditches, gutters, retention basins, and similar surface runoff management improvements necessary to maintain a consistent level of service or comply with applicable codes and regulations
- R. New telecommunication system including but not limited to, Wi-Fi hotspots, radio antennas, aerials, support structures, utility connections, foundations and fences
- S. Signage, posts, flag/banner poles, electronic signs, school sign structures, and art installations
- T. Trash enclosures and litter containers
- U. Tree/plant nursery facilities, green houses, agricultural program facilities
- V. Fuel tanks, above ground and underground
- W. Outdoor exhibit walls, sculptures, and statues
- X. Plaques, art installations, and murals on existing structures
- Y. Planter boxes
- Z. Retaining walls and slope retaining structures, except in shoreline areas
- AA. Retaining walls, perimeter walls and walls for traffic and/or safety and security purposes less than four (4) feet in height that are properly engineered so as not to affect drainage on the site
- BB. Hurricane protection devices and other minor structural accessories that will facilitate resistance to damaging effects of natural hazards
- CC. Scorekeeper booths, press boxes, concessions, storage, maintenance rooms/structures, and scoreboards
- DD. Swimming pools and related equipment
- EE. 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
- FF. 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

- GG. 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
- HH. Temporary staging areas during periods of construction
- II. Other appurtenant structures and equipment

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

1. Clear and manage vegetation, including but not limited to mowing, pruning, trimming, transplanting trees that are not considered historical or exceptional, sodding of bare areas for dust and erosion control
2. Clearing and grubbing or grading in accordance with State Department of Health and County standards
3. Alter ground topography (e.g. minor grading and filling, grubbing, cutting, and similar activities) to reduce hazards, provided that the alterations do not require a grading permit
4. Incidental clearing of land and preliminary work sites for surveying, engineering design and geologic and hydrologic studies
5. Establish temporary or permanent vegetative cover including trees, shrubs, grasses and sod for soil stabilization or landscaping
6. Landscaping work, including the installation of underground sprinkler or drip irrigation systems and equipment; laying topsoil; vegetation and tree trimming and planting, shrubs, and ground cover; and relocating or removing vegetation and trees that are not considered historical or significant (such as those on a County Exception Tree list) and subject to the following: complies with setback requirements for applicable Federal, State and County laws, regulations, ordinances, codes, rules  
  
Remove trees that endanger life or property, provided that "exceptional trees" as defined by Section 58-3, HRS, may be removed only after proper consultation with the relevant county arborist advisory committee and in compliance with county ordinances and regulations related to exceptional trees
7. Remove or fill in unused or unusable cesspools and septic systems pursuant to prevailing codes and regulations
8. Remove natural materials, including displaced boulders, trees, and dislocated soils and vegetation
9. Improvements of previously graded parking and storage yard areas, including paving, infilling, grading and compacting
10. Reinter burial remains as approved by the applicable island burial council
11. Vegetation clearing and removal work to mitigate rockfall or on or near the embankment, spillway, or other that could pose a threat to the embankment or impede inspection of the facility
12. Management of surface water runoff, including installation of minor drainage ditches and implementation of other stormwater best management practices and low impact development techniques (e.g., bioretention areas, permeable pavers, etc.)

13. Minor alteration of retaining walls and fences.
14. Clearing of new fuel breaks and other fire pre-suppression actions to reduce fire potential and minimize fire severity
15. Conduct removal of unexploded ordinance
16. Construction of berms, drainage ditches, seepage drains, including dry wells for groundwater recharge.
17. Lining short sections of stream banks for erosion control and slope stability
18. Installation of ramps, sidewalks, guardrails, railings, and/or walkways to increase accessibility to reach compliance with the Fair Housing Act, the Americans with Disabilities Act or other applicable standards
19. Construction and alteration of walkways and other similar items
20. Regrading or paving of existing access roads, driveways, parking lot, shoulders, or sidewalks within right-of-way to support the school facility
21. Land subdivision and consolidation for school facility and/or housing development.
22. Acquisition, subdivision and/or consolidation of minor amounts of land (less than 1 acre)
23. Easements in favor of the State, County, or public utility company for onsite infrastructure improvements (walkway, road, parking, water, irrigation, drainage, sewer, electrical, communications and telecommunication systems)
24. Upon determination of the Superintendent that an emergency exists, emergency mitigation and restoration work to prevent damage from continuing to occur and to restore the topographical and biological resources and features

**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. Conduct studies, surveys, and monitoring that do not lead directly to construction to identify project concepts, elements or proposed actions and alternatives so that social, economic, and environmental effects can be subsequently assessed.
  - a. Studies such as planning, social, economic, environmental, feasibility, financial, inventory, and similar studies
  - b. Environmental surveys such as historical, cultural, biological, ecological, wetland delineation, oceanographic, traffic, noise, water, air and similar surveys
  - c. Engineering surveys such as structural, building, civil, mechanical, architectural, topographical, electrical, and other utilities, asbestos, lead, unexploded ordinances, and similar surveys
  - d. Structural studies such as pavement, bridge, and building testing, inspection and similar surveys
  - e. Conduct public meetings or hearings to disseminate information and receive public input
2. Conduct GIS mapping, aerial mapping, land surveys and similar activities
3. Conduct geotechnical, archaeological, burial, foundational, and other subsurface investigations (i.e., trenching, and boring activities), and similar investigations after consultation with the State Historic Preservation Division and implementation of mitigations, if applicable

4. Undertake actions related to real estate transactions including, but not limited to, due diligence, appraisals, and land surveys (eg. metes and bounds, shoreline setback) to determine acquisition or sales price, or establish rents
5. Permission to enter public lands for conducting those actions listed above, provided that the requisite right-of-entry and approvals are obtained
6. Data collection in accordance with National Pollutant Discharge Elimination System (NPDES) requirements

<b>General Exemption Type 6. Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places.</b>
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1. Demolition or removal of structures, facilities, equipment, impounded property, or other improvements that are abandoned or no longer required or maintained, including but not limited to:
  - a. Structures such as buildings, parking structures, sheds, warehouses, fuel tanks, covered walkways, bus shelters, covered play courts, bleachers, swimming pools, scoreboards, stairs, ramps, elevators, chair lifts, flag poles, walls, fences, planter boxes, signs, garages, portable structures, storage containers, transformer buildings, and similar structures
  - b. Facilities such as wastewater, water, drainage, electrical, traffic control, communications, civil defense warning, irrigation, fuel and associated appurtenances
  - c. Improvements such as road pavements, curbs, sidewalks, retaining walls, walls, fences, gates, light poles, and electrical connections and similar improvements
  - d. Improvements such as electrical, communication, heating, ventilation, and air-conditioning (HVAC), water, wastewater, sewer, septic tank systems; above or underground storage tanks, fuel systems; and similar improvements
  - e. Equipment such as machinery, vehicles, experimental devices and similar equipment
  - f. Includes structures that require further consideration because of their potential impacts to the surrounding community. For example, demolition of structures that contain high levels of hazardous materials; demolition of structures that creates significant noise, fugitive dust or other adverse impacts; or demolition of structures that leads to a loss of amenities for the public
  - g. Construction, in accordance with established state standards, required to seal wells, that have been permanently discontinued, that are unsealed, leaking, polluting, deteriorating in quality, uncontrollable, buried, or that are in such a state of disrepair that continued use is impractical or unsafe
2. Demolition and removal of unauthorized improvements
3. Any related improvement or work that is limited to the State facility site.

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

1. Zoning variances for building setback

2. Zoning variances for housing developments and public facilities, except shoreline setback variances
3. Zoning variances for housing developments under Chapter 201H, HRS
4. Zoning variances for buildings and structures
  - a. Residential buildings, dwelling units and ancillary structures
  - b. Office and maintenance buildings, storage buildings
  - c. Parking garages and structures
  - d. Retaining walls and other slope stabilization structures
  - e. Walls and trash enclosures
5. 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
6. Infrastructure and Utilities
  - a. Water collection and distribution systems, storage tanks/reservoirs, fire protection, and solar water heating systems
  - b. Sewer collection and distribution systems
  - c. Drainage collection and distribution systems
  - d. Agency maintained drainage ways and channels, swales and berms
  - e. Fuel (gas, propane, etc.) storage, collection and distribution systems
7. Application for zoning variance for use of State lands disposed to private parties or to government agencies, 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. Purchases of supplies, services, and equipment required to support existing operations
3. Personnel -related actions
4. Installation or removal works of art
5. Promulgation of rules, regulations, directives, and program guidance
6. Transfer of title to real property
7. Creation or termination of easements, covenants, or other rights in real property
8. Procure professional services, goods and services, competitive sealed proposals, competitive sealed bidding and similar services
9. Procure motor vehicles, equipment, furniture, and similar items
10. Request and use federal, state, or local grants to support ongoing operations; implement programs; training of personnel, including purchase and rental of training facilities and equipment; similar activities

11. Perform all aspects of administrative functions including personnel actions, accounting, budgeting, training, regulatory reporting, and the promulgation of rules and directives; and similar activities
12. Conduct public education, outreach, research, and communications, including meetings, surveys, websites, training, newsletters, and press releases; prepare long-term planning documents; and similar activities
13. Prepare and administer interagency agreements, ministerial approvals, letters of agreement with developers regarding fair share contributions to school facilities; and similar activities
14. Evict tenants
15. Acquisition, subdivision, or consolidation of public lands for the Department
16. Transfer of management authority or title over public lands between the Department and public agencies through Governor's executive orders or other legal documents
17. Subdivide or consolidate public lands through subdivision to facilitate transfer between the Department and public agencies for continued public use, including but not limited to:
  - a. Subdivide lots not previously subdivided into Department school facilities
  - b. Subdivide or consolidate a portion of the Department's controlled land due to encroachment or determined surplus
18. Acquisition and/or exchange of property for the Department, including but not limited to: easements, minor subdivision and consolidation of parcels for the Department use such as rounding corners.
19. Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing
20. Right-of-entry, use and occupancy agreements and similar documents
21. Conduct community events including but not limited to festivals, fun fairs, and similar events
22. Continue government administrative activities

**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.**

1. Transfer management authority or title over public lands through Governor executive orders or other legal instruments.
2. Transfer of title to real property
3. Acquisition, but not improvement of, real property for school facilities or teacher/workforce housing.
4. Creation or termination of easements, covenants, or other rights in legal property
5. Subdivide and consolidate lands without change in existing land use
6. Initiate and prosecute condemnation proceedings
7. Dispose of land and any improvements thereon for development of housing projects
8. Execute and administer right-of-entry agreements or use of occupancy agreements/contracts.



9. Leasing of land and any improvements thereon, where there is no substantial change in use
10. Exchange lands for purposes including, but not limited to, correcting existing roadway alignments and easement locations; transfer title to or from other state and county agencies for no or minimal monetary consideration
11. Acquisition of real property and interests, including easements, quitclaim, fee simple, and leaseholds, in real property on which housing developments will be situated, provided that a site assessment is conducted
12. Demise retaining walls, walls, fences, gates and similar improvements.

**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).**
  1. Construct single-family residential units including, but not limited to, grading; roadway and traffic systems; utility systems; dwelling units; landscaping; and ancillary facilities; provided all applicable approvals and administrative permits are obtained
  2. Construct requisite offsite infrastructure including, but not limited to, utility systems, and ancillary improvements that are related to 1 above.
  3. Allow accessory commercial activities within the development that are related to 2 above.

## **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.**

1. Repairs, renovations, alterations and modifications to the following facilities, structures, and equipment:
  - a. Existing buildings, housing units, offices, baseyards
  - b. Structures required for essential utilities, including but not limited to:
    - i. Water system components such as pumps, valves, controls, pipes and channels, wells and other water sources
    - ii. Water and sewage handling and treatment systems
    - iii. Sanitary sewage systems
    - iv. Drainage systems (earth berms, culverts, channels, conduits, swales, inlets, outlets and other similar improvements); storm drain cleaning
    - v. Irrigation systems
    - vi. Utility Systems (water, sewer, electrical, telecommunication, and related systems), including backflow preventers, valve boxes, transformers, septic tanks, and manhole structures
  - c. Fencing, curbing, gates, walls, and retaining walls
  - d. Stairs, lifts, elevators, ramps, steps, railings, handrails, guardrails, curb cuts, and related facilities/equipment
  - e. Handicapped accessibility improvements, including walkways, stairways, handrails, thresholds, removing/relocating/replacing non-compliant fixtures and protruding objects, and ramps
  - f. Signage, posts, flag/banner poles, electronic signs, school sign structures, and art installations
  - g. Bike racks, and other transportation device storage/racks
  - h. Existing structure, including, but not limited to:
    - i. Storage sheds and containers
    - ii. Electrical sheds and panels
    - iii. Pump houses
    - iv. Mechanic shops
    - v. Trash enclosures
    - vi. Plant nursery sheds
    - vii. Manhole and junction box covers
  - i. Stationary and mobile motorized equipment
  - j. Equipment, including but not limited to:
    - i. Pumps, valves and motors
    - ii. Electrical transformers, cabinets, panels, and vaults
    - iii. Power, light, telephone systems, including installation and removal of poles
    - iv. Heating, ventilation, and air conditioning (HVAC) systems
    - v. Security systems and alarms
    - vi. Communication systems, including antennae

- vii. Telecommunications and control systems, including supervisory control and data acquisition systems (SCADA)
  - viii. Emergency electrical generators
  - ix. Lifts provided for handicapped accessibility
  - x. Elevators
  - k. Traffic calming devices, including, but 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
  - l. Traffic and pedestrian safety measures - guardrails, sidewalks, bollards, and vehicle access barriers
  - m. Exterior lighting, including but not limited to, street lights, parking lot lights, security lighting, stadium and ball field and playcourt lighting, bollards and wall sconces
  - n. Existing facilities and structures, and equipment, including, but not limited to:
    - i. Department's buildings and structures
    - ii. Athletic fields, athletic courts, play courts (covered and not covered) and equipment and appurtenant structures
    - iii. Gymnasiums, cafeterias, and related facilities
    - iv. Pedestrian bridges
    - v. Parking structures
    - vi. Playground equipment
2. Acquisition of land presently utilized as maintenance accessways, by easement or deed, for the purpose of stream cleaning
  3. Construction staging areas and temporary storage of construction equipment and materials outside project boundaries
  4. Clearing and maintenance of areas for emergency mitigation and access including, but not limited to, firebreaks, property staged operations and staging sites

**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. Replacement or reconstruction of property retaining walls, baseyards and similar structures
3. Replacement of utility lines and appurtenances including concrete jackets within existing rights-of-way where no change in purpose is intended. Replacement may be size for size, or may involve an increase in pipe diameter if the existing utility system is inadequate to meet current standards and current zoning requirements
4. Occur outside the existing Department 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 more 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 more than four dwelling units and in conjunction with the building of two or more such structures;
  - (C) Stores, offices, and restaurants designed for total occupant load of more than twenty individuals per structure, or 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. New school facilities, including housing, on existing campuses, except for gymnasiums, auditoriums, and cafeterias that are designed or in conjunction with the building of two (2) or more such structures
  2. Expansion, renovation, alteration and modification of existing facilities and structures that result in a change in capacity by more than twenty (20) percent.
  3. Construct new off-street parking facilities
  4. An individual action of more than four teacher housing units where there is a maximum of four units on any one site. The units can be 1) four one-unit buildings; or 2) one four-unit building; or 3) any combination thereof
  5. Essential infrastructure and public utility services extensions to serve structures or facilities that include, but are not limited to, the following:
    - a. Water collection and distribution systems, fire protection, and solar water heating (including new and/or oversizing of the utilities as required)
    - b. Sewer collection and distribution systems (including new and/or oversizing of the utilities as required)
    - c. Drainage collection and distribution systems (including new and/or oversizing of the utilities as required)
    - d. Electrical, communication, security and telecommunication systems (including new and/or oversizing of the utilities as required)
    - e. Agency maintained drainage ways and channels, swales, berms
    - f. Fuel (gas, propane, etc.) storage, collection and distribution systems (including new and/or oversizing of the utilities as required)
    - g. Interior roadways, driveways, curbs, parking lots
    - h. Construction of storage sheds, carports, garages, maintenance sheds, trash enclosures, electrical sheds, pump housing, athletic equipment storage sheds and portable modular buildings in excess of 3500 square feet in total area
    - i. Installation of fire hydrants or fire standpipe to clear new construction such as driveway, or to eliminate a hazardous condition

- j. Accessory or appurtenant structures including garages, carports, lanai's, swimming pools, sidewalks, walls, fencing, gates, retaining walls
  - k. Appurtenant equipment and facilities for outdoor recreation including, but not limited to, athletic fields, bleachers, batting cages, play fields, pavilion, playcourts and similar
  - l. Creation of temporary staging areas during periods of construction
6. Equipment installations including security and camera systems, outdoor lighting, pumps, motors, electrical transformers, cabinets, panels, vaults, power, light, and telephone pole systems, heating, ventilation and air conditioning (HVAC), irrigation controllers, photovoltaic, emergency electrical generators, elevators and lifts. Exterior lighting shall comply with Section 201-8.5, HRS, Night Sky Protection Strategy

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

- 1. Construction of seepage drains/detention basins on Department controlled land where flows are kept within pre-existing levels and for which a drainage study has been completed
- 2. Construction of improvements on Department land to address surface water runoff, including installation of drainage ditches, dry wells, and implementation of other stormwater best management practices and low impact development techniques (e.g., bioretention areas, permeable pavers, etc.)
- 3. 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 more (non-contiguous) of an existing Department site
- 4. Clearing and grubbing within Department boundaries except for areas within the State Conservation District (de minimis?)
- 5. Incidental clearing of land and preliminary site work for surveying, engineering design, and geologic and hydrologic studies or similar activities
- 6. Landscaping and irrigation systems; laying topsoil; vegetation and tree trimming and planting, shrubs and ground cover; and relocating or removing vegetation and trees that are not considered historical or significant (such as those on a County Exception Tree list) and complies with setback requirements for applicable Federal, State and County laws, regulations, ordinances, codes, rules
- 7. Lining significant sections of stream banks for erosion control and slope stability
- 8. Removal of large quantity of trees that endanger life or property and of non-significant trees
- 9. Significant areas of paving or grading of previously existing graded parking areas, sidewalks, driveways and roadways
- 10. Slopes and embankments (need to define)

11. Major alteration, modification of retaining walls and fences
12. Stream bank repair, stream bank reconstruction or stream bank lining

**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. 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

**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.**

Zoning variances except shoreline setback variances, include but not limited to:

1. Zoning variance for buildings and structures
  - a. Residential buildings, dwelling units and ancillary structures for more than 8 units
  - b. Multi-level Parking structures
2. Zoning variances for site improvements
  - a. Pedestrian bridges
  - b. Covered playcourt buildings
3. Infrastructure and Utilities
  - a. Major water collection and distribution systems, storage tanks/reservoirs, fire protection, and solar water heating systems in previously undisturbed sites
  - b. Major Sewer collection and distribution systems
  - c. Agency maintained drainageways and channels,
  - d. Fuel (Gas, propane, etc.) storage, collection, and major distribution systems
  - e. Major Electrical, communication, security and telecommunication systems

**General 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, and improvement of a property, for Department use (including easements) and minor subdivision and consolidation of parcels for acquisition of property for Department use (including rounding corners and minor street widening)
3. Acquisition of lands for drainage purposes where there is a natural, existing drainage watercourse

**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 HAR §11-200.1-13(b)(11).

None.