

**“DRAFT”**

**COMPREHENSIVE EXEMPTION LIST**

**FOR THE**

**STATE OF HAWAII**

**DEPARTMENT OF EDUCATION**

**AMENDED, \_\_\_\_\_ 2025**

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 a 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)).

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. Buildings and structures (interior and/or exterior improvements)
  - A. Stairs, lifts, elevators, ramps, steps, railings, handrails, guardrails, curbs, curb cuts, and related facilities/equipment, including improvements for Americans with Disabilities Act (ADA) accessibility and compliance
  - B. Lanai, courtyards, pergolas, patios, covered walkways, shade structures, and other related spaces
  - C. Bollards, walls, gates, fences, retaining walls, lighting (including landscape and walkway security lighting), and other similar items necessary for the security or continued operation of a facility or structure
  - D. Athletic and play fields, tracks, playgrounds, playground equipment, covered and open playcourts, and other athletic and physical education structures and facilities, swimming pools, including synthetic turf, coating, and safety surfacing systems, bleachers, batting and pitching cages, press boxes and scorer's booths, and concessions and other similar items necessary for the continued operation of a facility or structure
  - E. Bridges, including pedestrian bridges
  - F. Bike racks and other transportation device storage/racks
  - G. Associated plumbing fixtures
  - H. Signage, posts, flag/banner poles, electronic signs, school sign structures, and scoreboards
  - I. Painting and waterproofing
  - J. Trash enclosures, litter containers
  - K. Tree/plant nursery facilities, green houses, and agricultural program facilities
  - L. Furniture and built-in furniture
  - M. Plaques, art installations, and murals on existing structures or freestanding
  - N. Existing facilities including but not limited to partitions, doors, ceiling, flooring, windows, walls, hallways, bathroom, restroom, shower facilities, custodial room, built-in equipment, classrooms, offices, kitchens, industrial shops, performance areas, locker rooms; security room, portable classroom structures, bus loading areas, containers, maintenance, and storage structures
  - O. Teacher/workforce housing units
  - P. Other appurtenant structures
2. Systems and equipment
  - A. Fire protection systems, pumps, fire hydrants, fire standpipes, valves, manholes, motors and related equipment; telephone and communication equipment, backflow preventers

- B. Fire protection systems, pumps, fire hydrants, fire standpipes, valves, manholes, motors and related equipment; telephone and communication equipment, backflow preventers, reduced pressure detector assemblies
- C. Sewage and water systems; pumping stations, waste treatment facilities, cesspools, leach fields, septic systems, tanks, injection wells, backflow preventers, reduced pressure detector assemblies, manholes, vaults, utility boxes, valves, piping, and other related facilities and improvements; water mains, meters, fire hydrants, fire standpipes, monitoring wells, irrigation systems and controllers, plumbing fixtures, hose bibs, drinking fountains, hydration systems, showers, sinks, foot washes, emergency wash stations, and other fixtures
- D. Electrical, power, and light systems, including emergency generators, electrical equipment, electrical transformers, cabinets, sheds, containers, panels, vaults, switch gears, utility manhole and junction box structures, covers, fixtures, and associated equipment and appurtenances
- E. Drainage collection and distribution systems, including earth berms, culverts, channels, conduits, swales, inlets, outlets, energy dissipators, and other similar improvements; storm drain cleaning
- F. Heating, ventilation, and air conditioning (HVAC) systems
- G. Telecommunication, bells, paging and communication systems, including antennae
- H. Roofs/roofing systems
- I. Solar water heating systems, and related equipment
- J. Photovoltaic systems and related equipment
- K. Security systems and alarms
- L. Temporary storage and staging of equipment and materials on State and County lands as necessary to support exempted and planned repair or maintenance activities, including for construction
- M. Exterior lighting, light poles and posts, including but not limited to athletic stadium lighting, street/roadway lighting, building and parking lot lighting, and other similar equipment; outdoor lighting to be dark sky compliant
- N. Existing machinery, equipment and vehicles to support Departmental operations and baseyard, shop, and automotive facilities
- O. Fuel tanks (gas, propane, etc.)
- P. Water wells, pipes, channels, pumps, well sealing, and related equipment and associated appurtenances
- Q. Vehicles, equipment, and tools including testing and maintenance of compressors, generators, water pumps, electrical testing equipment, telemetering equipment, and similar equipment
- R. Repair or maintain machinery, maintenance and construction equipment, and other similar equipment necessary to support operations
- S. Integrated pest management system including but not limited to: Fumigation and treatment of buildings for termites, cockroaches, ants, vermin, and other pests using pesticides registered by the State Department of Agriculture and the Environmental Protection Agency; Vector control remedies

## T. Other utility systems and equipment

3. Erosion control, slope stabilization, slope embankments and construction methods including, but not limited to, using rip-rap, shotcrete, net drapery, catchment ditch, retaining wall, other rockfall impact barrier or protection systems, rock removal, hydromulching, or other methods to stabilize and/or prevent soil erosion
4. Parking structures, garages, carports, pavements (and striping, as needed), including but not limited to roadways, driveways, parking lots, walkways, and bikeways
5. Implement traffic management plans and similar measures during construction and for campus improvements to minimize traffic impacts, including speed bumps, speed tables, and other traffic calming devices
6. Landscaping, including planting, hydromulching, mowing, trimming, vegetation clearing, grading, irrigation, routine pruning, trimming, and thinning, planter boxes, and removal of trees
7. Removal of boulders, rocks, stream debris, and other similar hazards necessary to maintain the school facility
8. Removal or treatment of hazardous substances: Removal, mitigation, stabilization or containment of mold, asbestos, radon, lead paint, arsenic or other substances
9. 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
10. Acquisition of land or easements or interest in lands required for existing facilities
11. Transfer or 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
12. Transfer of title to land
13. Creation or termination of easement, covenants, or other rights in structures or land
14. Leases, Joint Development Agreements, and/or Condominium Property Regime of government land involving negligible or no expansion or change of use beyond that previously existing
15. Subdivision or consolidation of lots
16. Permits, licenses, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously exist
17. 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
18. 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. Buildings and structures (interior and/or exterior improvements)
  - A. Stairs, lifts, elevators, ramps, steps, railings, handrails, guardrails, curbs, curb cuts, and related facilities/equipment, including improvements for ADA accessibility and compliance
  - B. Lanai, courtyards, pergolas, patios, covered walkways, shade structures, and other related spaces
  - C. Bollards, walls, gates, fences, retaining walls, lighting (including landscape and walkway security lighting), and other similar items necessary for the security or continued operation of a facility or structure
  - D. Athletic and play fields, tracks, playgrounds, playground equipment, covered and open playcourts, and other athletic and physical education structures and facilities, swimming pools, including synthetic turf, coating, and safety surfacing systems, bleachers, batting and pitching cages, press boxes and scorer's booths, and concessions and other similar items necessary for the continued operation of a facility or structure
  - E. Bridges, including pedestrian bridges
  - F. Bike racks and other transportation device storage/racks
  - G. Associated plumbing fixtures
  - H. Signage, posts, flag/banner poles, electronic signs, school sign structures and scoreboards.
  - I. Painting and waterproofing
  - J. Trash enclosures, litter containers
  - K. Tree/plant nursery facilities, green houses, and agricultural program facilities
  - L. Furniture and built-in furniture
  - M. Plaques, art installations, and murals on existing structures or freestanding
  - N. Existing facilities including but not limited to partitions, doors, ceiling, flooring, windows, walls, hallways, bathroom, restroom, shower facilities, custodial room, built-in equipment, classrooms, offices, kitchens, industrial shops, performance areas, and locker rooms; security room, portable classroom structures, bus loading areas, containers, maintenance, and storage structures
  - O. Teacher/workforce housing units
  - P. Other appurtenant structures
2. Systems and equipment
  - A. Fire protection systems, pumps, fire hydrants, fire standpipes, valves, utility manholes, motors and related equipment; telephone and communication equipment, backflow preventers, reduced pressure detector assemblies
  - B. Sewage and water systems; pumping stations, waste treatment facilities, cesspools, leach fields, septic systems, tanks, injection wells, backflow preventers, reduced

- pressure detector assemblies, manholes, vaults, utility boxes, valves, piping, and other related facilities and improvements; water mains, meters, fire hydrants, fire standpipes, monitoring wells, irrigation systems and controllers, plumbing fixtures, hose bibs, drinking fountains, hydration systems, showers, sinks, foot washes, emergency wash stations, and other fixtures
- C. Electrical, power, and light systems, including emergency generators, electrical equipment, electrical transformers, cabinets, sheds, containers, panels, vaults, switch gears, utility manhole and junction box structures, covers, fixtures, and associated equipment and appurtenances
  - D. Drainage collection and distribution systems, including earth berms, culverts, channels, conduits, swales, inlets, outlets, energy dissipators, and other similar improvements; storm drain cleaning
  - E. Heating, ventilation, and air conditioning (HVAC) systems
  - F. Telecommunication, bells, paging and communication systems, including antennae
  - G. Roofs/roofing systems
  - H. Solar water heating systems, and related equipment
  - I. Photovoltaic systems and related equipment
  - J. Security systems and alarms
  - K. Temporary storage and staging of equipment and materials on State and County lands as necessary to support exempted and planned repair or maintenance activities, including for construction
  - L. Exterior lighting, light poles and posts, including but not limited to athletic stadium lighting, street/roadway lighting, building and parking lot lighting, and other similar equipment; outdoor lighting to be dark sky compliant
  - M. Existing machinery, equipment and vehicles to support Departmental operations and baseyard, shop, and automotive facilities
  - N. Fuel tanks (gas, propane, etc.)
  - O. Water wells, pipes, channels, pumps, well sealing, and related equipment and associated appurtenances
  - P. Vehicles, equipment, and tools including testing and maintenance of compressors, generators, water pumps, electrical testing equipment, telemetering equipment, and similar equipment
  - Q. Repair or maintain machinery, maintenance and construction equipment, and other similar equipment necessary to support operations
  - R. Integrated pest management system including but not limited to: Fumigation and treatment of buildings for termites, cockroaches, ants, vermin, and other pests using pesticides registered by the State Department of Agriculture and the Environmental Protection Agency; Vector control remedies
  - S. Other utility systems and equipment
3. Erosion control, slope stabilization, slope embankments and construction methods including, but not limited to, using rip-rap, shotcrete, net drapery, catchment ditch, retaining wall, other rockfall impact barrier or protection systems, rock removal, hydromulching, or other methods



to stabilize and/or prevent soil erosion; with up to six feet height of new earth retention for walls

4. Parking structures, garages, carports, pavements (and striping, as needed), including but not limited to roadways, driveways, parking lots, walkways, and bikeways
5. Implement traffic management plans and similar measures during construction and for campus improvements to minimize traffic impacts, including speed bumps, speed tables, and other traffic calming devices
6. Landscaping, including planting, hydromulching, mowing, trimming, vegetation clearing, grading, irrigation, routine pruning, trimming, and thinning, planter boxes, and removal of trees
7. Removal of boulders, rocks, stream debris, and other similar hazards necessary to maintain the school facility
8. Removal or treatment of hazardous substances: Removal, mitigation, stabilization or containment of mold, asbestos, radon, lead paint, arsenic or other controlled substances
9. 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
10. Other appurtenant structures and equipment
11. 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
12. 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 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. Buildings and structures



- A. Buildings and structures within an existing campus used by the Department that do not require any off-site infrastructure improvements, including:
- 1) Classroom buildings (of less than 5 classrooms), may include career and technical education program rooms, special needs rooms, laboratories, and lecture halls
  - 2) Multipurpose rooms
  - 3) Locker room facilities, including showers, restrooms, offices, team room, and related spaces
  - 4) Athletic support facilities, including tracks, fields, bleachers, stadium lighting, trainers room, weight room, wrestling room, team rooms, batting and pitching cages, changing rooms, locker rooms, officials' room, scorer's booth, press box, fitness room, concessions, and restrooms
  - 5) Playfields, playgrounds, playcourts
  - 6) Administration building
  - 7) Library, book drop
  - 8) Parking lot, bus loading
  - 9) Saran houses, hothouses, greenhouses,
  - 10) Offices
  - 11) Baseyards, maintenance facilities, tool houses, warehouses,
  - 12) Security rooms, guard shacks
  - 13) Parking lots, garages, and carports
  - 14) Shade structures, covered courts, covered playcourts
  - 15) Bus stop or covered bus loading areas
  - 16) Portable structures
  - 17) Storage and container structures
  - 18) Bathrooms, restrooms, custodial rooms, showers, locker rooms, and related facilities
  - 19) Other appurtenant structures
- B. Accessory or appurtenant structures
- 1) Stairs, lifts, elevators, ramps, steps, railings, handrails, guardrails, curbs, curb cuts, and related facilities/equipment, including improvements for Americans with Disabilities Act (ADA) accessibility and compliance
  - 2) Lanai, courtyards, pergolas, patios, covered walkways, shade structures, and other related spaces
  - 3) Bollards, walls, gates, fences, retaining walls, lighting (including landscape and walkway security lighting), and other similar items necessary for the security or continued operation of a facility or structure
  - 4) Bike racks and other transportation device storage/racks
  - 5) Signage, posts, flag/banner poles, electronic signs, school sign structures, and scoreboards
  - 6) Painting and waterproofing
  - 7) Trash enclosures, litter containers
  - 8) Tree/plant nursery facilities, green houses, and agricultural program facilities
  - 9) Furniture and built-in furniture
  - 10) Plaques, art installations, and murals on existing structures or freestanding
  - 11) Facilities including but not limited to partitions, doors, ceiling, flooring, windows, walls, hallways, bathroom, restroom, shower facilities, custodial room, built-in equipment, classrooms, offices, kitchens, industrial shops, performance areas, and locker rooms; security, portable classrooms, bus loading, maintenance, and storage structures
  - 12) Other appurtenant structures

## 2. Systems and equipment

- A. Fire protection systems, pumps, fire hydrants, fire standpipes, valves, manholes, motors and related equipment; telephone and communication equipment, backflow preventers, reduced pressure detector assemblies
  - B. Sewage and water systems; pumping stations, waste treatment facilities, cesspools, leach fields, septic systems, tanks, injection wells, backflow preventers, manholes, vaults, utility boxes, valves, piping, and other related facilities and improvements; water mains, meters, monitoring wells, irrigation systems and controllers, plumbing fixtures, hose bibs, drinking fountains, hydration systems, showers, sinks, foot washes, emergency wash stations, and other fixtures
  - C. Electrical, power, and light systems, including emergency generators, electrical equipment, electrical transformers, cabinets, sheds, containers, panels, vaults, switch gears, manhole and junction box structures, covers, fixtures, and associated equipment and appurtenances
  - D. Drainage collection and distribution systems, including earth berms, culverts, channels, conduits, swales, inlets, outlets, energy dissipators, and other similar improvements; storm drain cleaning
  - E. Heating, ventilation, and air conditioning (HVAC) systems
  - F. Telecommunication, bells, paging and other communication systems
  - G. Roofs/roofing systems
  - H. Conveying systems, including elevators, lifts, dumbwaiters
  - I. Other utility systems and equipment
3. 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. Fire alarm and fire suppression improvements or upgrades
  - B. Cesspool conversion improvements
  - C. ADA improvements
  - D. Girls athletic locker rooms and improvements
  - E. Softball fields and improvements
4. Minor erosion control, slope stabilization, slope embankments and construction methods of up to three (3) acres and retaining walls up to six (6) feet of earth retention for 1,000 linear feet or less
5. Traffic management plans and similar measures during construction and for campus improvements with impacts beyond the school campus requiring improvements to intersections and crossings beyond those adjacent to the school campus
6. Health and safety improvements
7. Renewable power equipment and systems, including but not limited to:

- A. Photovoltaic and solar systems
  - B. Vehicle charging stations
8. New equipment including, but not limited to 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 on-campus parking lots
  11. Temporary parking and temporary storage of construction equipment and materials on DOE property
  12. Installation of items to facilitate compliance with construction best management practices procedures and requirements
  13. New, expansion, alteration, and/or modification of facilities and structures that result in a change in capacity of twenty (20) percent or less
  14. 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.
  15. Hurricane protection devices and other minor structural accessories that will facilitate resistance to damaging effects of natural hazards
  16. Swimming pools and related equipment
  17. 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
  18. 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
  19. 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
  20. 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
  21. 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 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, up to three (3) acres
2. Clearing and grubbing or grading in accordance with State Department of Health and County standards up to three (3) acres

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 historically 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
7. 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
8. Remove or fill unused or unusable cesspools and septic systems pursuant to prevailing codes and regulations
9. Remove natural materials, including displaced boulders, trees, and dislocated soils and vegetation
10. Improvements of previously graded parking and storage yard areas, including paving, infilling, grading and compacting
11. Reinter burial remains as approved by the applicable island burial council
12. 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
13. 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.)
14. Minor alteration of retaining walls and fences
15. Clearing of new fuel breaks and other fire pre-suppression actions to reduce fire potential and minimize fire severity
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. 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
22. Acquisition, subdivision, and/or consolidation of land, interests in land, and /or easements for existing facilities for education and/or housing development
23. Transfer of title to land
24. Creation or termination of easements, covenants, or other rights in structures or land
25. Leases of state land involving negligible or no expansion or change of use beyond that previously existing
26. Permits, licenses, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond those that previously or currently exist
27. 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)
28. 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
29. 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 Geographic Information System (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 (e.g. 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

**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 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 of artwork
- 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

## 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. Mitigation of any hazardous conditions that present imminent danger as determined by the Superintendent and are necessary to protect public health, safety, or welfare
2. 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 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. Do not affect structures that are listed on the National Register or Hawaii Register of Historic Places
2. Replacement or reconstruction of structures without a historic significance determination
3. Replacement or reconstruction of property retaining walls with the additional work with greater than six feet height of earth retention, baseyards and similar structures
4. Replacement of utility lines and appurtenances including concrete jackets within existing rights-of-way where a change in purpose is intended. Replacement may involve an increase in pipe diameter if the existing utility system is inadequate to meet current standards and current zoning requirements
5. Occur outside the existing Department property boundary, such as for utility connections, traffic and pedestrian improvements appurtenant to campus construction work

**General Exemption Type 3. Construction and location of a 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 and in conjunction with the building of two or more such structures;
- (C) Stores, offices, and restaurants designed for total occupant load of up to twenty individuals or fewer 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. Buildings and structures within an existing campus used by the Department that do not require any off-site infrastructure improvements, including:
  - A. Auditorium
  - B. Cafeterias
  - C. Gymnasiums
  - D. Classroom buildings of five (5) or more classrooms, may include career and technical education program rooms, special needs rooms, laboratories, and lecture halls
  - E. Swimming pools, head houses
  - F. Other appurtenant structures
2. Expansion, renovation, alteration, and modification of existing facilities and structures that result in a change in campus capacity by more than twenty (20) percent
3. Major erosion control, slope stabilization, slope embankments and construction methods of more than three (3) acres and retaining walls greater than six (6) feet of earth retention for 1,000 linear feet or more
4. Off-campus parking or on-campus parking structures
5. An individual action of more than four teacher/workforce housing units where there is a maximum of four units on any one site. The units can be a) four one-unit buildings; or b) one four-unit building; or c) any combination thereof
6. Essential infrastructure and public utility services extensions and systems 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 new and/or oversizing of utilities as required)
  - C. Drainage collection and distribution systems (including new and/or oversizing of 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, slopes and embankments
  - F. Fuel tanks (gas, propane, etc.) storage, collection and distribution systems ( including new and/or oversizing of the utilities are required)
  - G. Interior roadways, driveways, curbs, parking lots, and related structures
  - H. Accessory or appurtenant structures including garages, carports, lanai's, swimming pools, sidewalks, walls, fencing, gates, retaining walls, and related structures
  - I. Appurtenant equipment and facilities for outdoor recreation including, but not limited to, athletic fields, bleachers, batting cages, play fields, pavilion, playcourts and similar structures and facilities
  - J. 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 3,500 square feet in total area

- K. Creation of temporary staging areas during periods of construction
- 7. Equipment installations including pumps, motors, light, and telephone pole systems, heating, ventilation and air conditioning (HVAC), photovoltaic, and emergency electrical generators. 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 three (3) acres or more (non-contiguous) of an existing Department site
- 4. Relocating or removing vegetation up to three (3) acres and trees that are not considered historically 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
- 5. Lining significant sections of stream banks for erosion control and slope stability
- 6. Removal of large quantities of trees that endanger life or property and of non-significant trees
- 7. Slopes and embankments that require more than six (6) feet if new or added height of earth retention by a retaining wall or are greater than 1,000 linear feet
- 8. Major alteration, modification of retaining walls with new or added work with six (6) feet height of earth retention
- 9. Stream bank repair, stream bank reconstruction or stream bank lining
- 10. Conduct the removal of unexploded ordinances
- 11. Upon determination by the Superintendent that an emergency exists, emergency mitigation and restoration work to prevent further damage from occurring and to restore the topographical 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. 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. Subsurface trenching or digging necessary to install scientific or geological data collection devices

**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 for 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 eight 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 in previously undisturbed sites
  - C. Agency maintained drainageways and channels
  - D. Fuel (gas, propane, etc.) storage, collection, and major distribution systems in previously undisturbed sites
  - E. Major electrical, communication, security and telecommunication systems in previously undisturbed sites

**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, but improvement of property, for Department's use (including easements) and minor subdivision and consolidation of parcels for acquisition of property for the Department's 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