

Exemption List for the County of Maui, Department of Finance

General Note

Pursuant to section 11-200.1-15, Hawaii Administrative Rules (“HAR”), the County of Maui Department of Finance (hereinafter “MDF”) may declare the following types of actions exempt from the requirement to prepare an environmental assessment because the action will have minimal or no significant effects on the environment. This list supersedes previous lists that were reviewed and concurred by the Environmental Council for the County of Maui as a whole on January 10, 2007 and April 26, 1995.

A: Part I: De Minimis Exemptions not Requiring Notice

Pursuant to HAR 11-200.1-16(b), “an agency may use part one of its exemption list, developed pursuant to subsection (a)(1), to exempt a specific activity from preparation of an EA and the requirements of section 11-200.1-17 because the agency considers the activity to be de minimis.”

1. Type 1 – HAR 11-200.1-15(c)(1): Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing.
 - a. The following repair and maintenance activities on existing buildings, structures (including water and sewage handline and treatment systems and drainage systems), stationary and mobile motorized equipment, fences, curbing, walls, gates, recreational facilities (including baseball dugouts, backstops, scorekeeper’s booths, playground equipment, scoreboards, outdoor lighting, bleachers, field lighting, zoological gardens, botanical gardens, swimming pools, skate parks, tennis courts, athletic courts), accessible ramps, handrails, bollards, vehicular access barriers, storage sheds, electrical sheds, electrical/solar panels, pumphouses, irrigation control panel sheds, garages, mechanic shops, telecommunication equipment sheds less than four feet in height, plant nursery sheds and hothouses, traffic signals and street lights:
 - i. Overhauling
 - ii. Repairing
 - iii. Painting, repainting or waterproofing.
 - iv. Cleaning
 - v. Polishing
 - vi. Greasing and oiling
 - vii. Servicing
 - b. Operation, maintenance, alterations or repairs of existing facilities or equipment located within the County right of way which do not alter the size or scope of the facility or equipment or significantly increase the scope of the services provided therein.
 - c. Resurfacing of existing streets, highways, parking areas, tennis courts and athletic courts.

- d. Operation, repairs and maintenance of existing cemeteries, including the digging and covering of new graves.
 - e. Repair and maintenance of established footpaths to beaches and beach accesses.
 - f. Removal or domestic sewage from residential and commercial wastewater systems and the disposal of such material into municipal wastewater treatment facilities.
 - g. Clearing and maintenance of areas for emergency mitigation, including but not limited to, firebreaks, emergency landing zones, staging and operational sites.
 - h. Clearing of earth berms, drainage swales, stream banks and streams.
 - i. Creation of temporary construction staging areas.
 - j. The following topographical activities on County maintained lands and facilities including parks, streets, highways, bike paths, pedestrian ways, parking lots and appurtenances, landscaped areas, beach accesses, municipal golf courses, flood and erosion control facilities and basins, drainage facilities, cemeteries and beaches:
 - i. Fertilizing, applying herbicides and other pest control.
 - ii. Watering and sprinkling.
 - iii. Mowing, weeding, trimming and brush cutting.
 - iv. Minor clearing and grubbing.
 - v. Aerating
 - vi. Road clearing and patching
 - vii. Sweeping
 - viii. Seaweed removal
 - ix. Removal of dirt, rock and debris.
2. Type 2 - HAR 11-200.1-15(c)(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. The following actions are considered to be exempted, provided there is little or no increase in capacity or size.
- a. Repair or replacement of roadways, traffic controls devices, accessible ramps and handrails, bollards and vehicle access barriers, driveways, parking lots, walkways, bikeways, jogging paths and multi-use pathways.
 - b. Repair or replacement of utility services including sewer, water, electrical, communications, irrigation and fuel systems except where a State Department of Health permit is required.
 - c. Repair and replacement of installed equipment, including but not limited to:
 - i. Pumps, including electrical transformers, cabinets, panels and vaults.
 - ii. Power, light and telephone pole systems.
 - iii. Heating, ventilation and air conditioning (HVAC) systems.
 - iv. Irrigation control systems.
 - v. Telephone stations.
 - vi. Emergency electrical generators.
 - vii. Lifts used for handicapped accessibility.
 - d. Repair or replacement of fencing, curbing, walls and gates.

- e. Repair and replacement of parks and recreation buildings, structures, athletic fields, athletic courts, botanical gardens, plant nurseries and skate parks.
3. Type 3 - HAR 11-200.1-15(c)(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 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.
- a. Interior alterations to buildings or structures including partitions, plumbing and electrical conveyances that do not increase the floor area or change the use or occupancy.
 - b. Extension or installation of additional water and sewer laterals for a single residential unit, several residential units, or commercial establishments.
 - c. Construction of sidewalks and curbs and gutters.
 - d. Construction of telecommunication equipment and sheds less than four (4) feet in height.
 - e. Construction, installation or location of utility support systems for exempt landscaping projects.
 - f. Construction of tents or temporary structures to be used for five years or less.
 - g. Construction, installation or location of accessibility improvements including walkways, stairways, and ramps.
 - h. Construction of bus stops, bus loading zones and related covering.
 - i. Shade structures.
 - j. Installation of equipment, including but not limited to:
 - i. Pumps, including electrical transformers, cabinets, panels and vaults.
 - ii. Power, light and telephone pole systems.
 - iii. Heating, ventilation and air conditioning (HVAC) systems.
 - iv. Irrigation control systems.
 - v. Telephone stations.
 - vi. Emergency electrical generators.
 - vii. Lifts used for handicapped accessibility.
 - k. Construction, installation or location of bollards, vehicle access barriers, glare screens, safety barriers, energy attenuators, and other similar items used for the protection of the motoring public.
 - l. Construction, installation or location of improvements within existing or future county streets rights of way or easements.
 - m. Construction, installation or location of covered walkways.
 - n. Construction of bridges, including pedestrian bridges.

- o. Installation of bike racks.
 - p. Construction, installation or location of traffic calming devices.
 - q. Installation of lighting of public facilities, parks, play courts, ball fields, structures and parking lots.
 - r. Installation of safety and security fences, gates and barriers to prevent public access to hazardous areas.
 - s. Construction of fuel tanks.
 - t. Construction of storage sheds, maintenance sheds, electrical sheds, pump houses and sports equipment sheds as portable modular buildings measuring less than 500 square feet in total area.
 - u. Installation of street lights, direction information signs, regulatory signs, pavement markings, traffic signals, fire alarm systems, civil defense warning systems and security systems.
 - v. Creation of temporary construction staging areas.
4. Type 4 - HAR 11-200.1-15(c)(4): Minor alterations in the conditions of land, water, or vegetation.
- a. Minor cut, fill and grading of County property which does not exceed one hundred cubic yards of material on any one site and does not exceed four feet in vertical height at its highest point for property not within the Special Management Area.
 - b. Landscaping along roadways, around buildings, within parks, and beach accesses.
 - c. Clearing and management of vegetation that is not considered significant under County law.
 - d. Sub surface installation of utilities including water, sewer and irrigation.
 - e. Construction of seepage drains, detention basins, drainage ditches, dry wells and implementation of stormwater best management practices.
 - f. Capturing, trapping, or other means of controlling, transferring or eradicating non-protected feral animals or wildlife that may present hazards to the public and the environment.
5. Type 5 - HAR 11-200.1-15(c)(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.
- a. Data collection for the purposes of planning.
 - b. GIS mapping, aerial mapping, land surveys and similar activities.
 - c. Field surveying.
 - d. Design alternative analysis.
 - e. Communication/media surveys.
 - f. Use of lysimeters.
 - g. Monitoring of evapotranspiration.
 - h. Rain gauging.
 - i. Leak detection surveys
 - j. Stream studies and surveys.
 - k. Sampling activities associated with existing monitoring wells, limited subsurface soil testing and water quality testing.

- l. Archaeological reconnaissance studies, inventory surveys, and artifact gathering conducted by an archaeologist licensed in the State of Hawaii and pursuant to the requirement of the State Historic Preservation Office.
 - m. Actions related to real estate transactions such as due diligence, appraisals, and surveys.
 - n. Data collection in accordance with the National Pollutant Discharge Elimination System (NPDES) requirements.
6. Type 6 - HAR 11-200.1-15(c)(6): Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places.
 - a. Demolition of buildings and structures prior to or concurrent with the construction of a new or replacement building or structures except for structures located in a historic site.
 - b. Demolition of old, dilapidated, unsafe or dangerous buildings or structures required by building, housing or health regulations.
 - c. Demolition and removal of unauthorized improvements.
7. Type 7 - HAR 11-200.1-15(c)(7): Zoning variances except shoreline setback variances.
 - a. Building setback variances.
 - b. Zoning variances for housing development and public facilities.
 - c. Zoning variances for housing pursuant to Chapter 201H, Hawaii Revised Statutes.
8. Type 8 - HAR 11-200.1-15(c)(8): Continuing administrative activities.
 - a. Permit approvals issued in accordance with the applicable County Parks Permit Rules, Regulations and/or Ordinances for the use of County Parks and Facilities.
 - b. The granting of the ability to conduct the sale of goods, wares, merchandise or services to the general public, including but not limited to food and beverage establishments, retail store, motor vehicle rental operations, advertising, and communications/telecommunications services in or on an existing building or facility on land under the jurisdiction of the County.
 - c. Leasing of private land and/or existing structures, where there is no substantial change in use.
 - d. Preparation of intergovernmental agreements, rights of entry, contracts, leases, deeds, and other agreements.
 - e. Purchase of supplies, services and equipment to support existing County operations.
 - f. Personnel-related actions.
 - g. Public education, outreach and communications, including meetings, surveys, websites, training, newsletters, and press releases.
 - h. Subdivision of property to support State or County road improvement projects.
 - i. Promulgation of rules, regulations, directives and program guidance.
 - j. Application for and use of federal or state grants to support ongoing operations.
 - k. Provision of grant funds.
 - l. Procurement of professional services or goods and services in accordance with Chapter 103D, Hawaii Revised Statutes.

- m. Condemnation proceedings.
 - n. Creation, extension or termination of leases, covenants, revocable permits, rights of entry, easements or other rights to structures or land.
 - o. Conduct of community events including but not limited to parades, farmers markets, festivals, fairs and other similar activities.
9. Type 9 - HAR 11-200.1-15(c)(9): Acquisition of land and existing structures, including single or multi-unit dwellings units, for the provision of affordable housing, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding.
- a. Eviction proceedings of tenants.
 - b. Acquisition and/or exchange of land, and or interests in land, but not improvement thereof, for affordable/workforce housing, including but not limited to easements, quitclaim or minor subdivision or consolidation provided that a site assessment is conducted.
 - c. Transfer of management authority or title between the County and landowners, including public agencies.
 - d. Condemnation proceedings.
 - e. Creation, extension or termination of leases, covenants, revocable permits, rights of entry, easements or other rights to structures or land.
10. Type 10 - HAR 11-200.1-15(c)(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...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 existing county zoning classification that allows housing; and (D) As proposed does not require variance for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(1).
- a. Construction of single-family residential units, including but not limited to, grading, roadway and traffic systems, utility systems, dwelling units, landscaping and ancillary facilities, provided applicable approvals and permits are obtained.
 - b. Construct requisite offsite infrastructure including but not limited to utility systems and ancillary improvements related to the above constructions.

Part II: Specific Exemptions Requiring Notice

Pursuant to HAR 11-200.1-16(c), “an agency may use part two of its exemption list, developed pursuant to subsection (a)(2), to exempt from preparation of an EA a specific action that the agency determines to be included under the types of actions in its exemption list, provided that the agency fulfills the exemption notice requirements set forth in section 11-200.1-17 and chapter 343, HRS.”

1. Type 1 – HAR 11-200.1-15(c)(1): Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing.
- a. Repair and maintenance of existing legal non-conforming or permitted sea/retaining walls which involve no expansion.

- b. Relocation of cemetery grave contents that have been affected or threatened to be affected by erosion, as approved the State of Hawaii, Area Burial Councils.
 - c. Repair and maintenance of slope stabilization structures.
- 2. Type 2 - HAR 11-200.1-15(c)(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.
 - a. Repair or replacement of drainage facilities, earth berms, and stream banks.
 - b. Replacement or reconstruction of existing structures and facilities under the Community Development Block Grant (CBDG) Program.
- 3. Type 3 - HAR 11-200.1-15(c)(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 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.
 - a. Construction of additions or new buildings or structures, including canoe hale, not exceeding 3,500 feet.
 - b. Installation of drains, sewers, and waterlines within streets, highways and easements.
 - c. Construction or placement of energy facilities including but not limited to solar systems, energy storage systems, and combined heat and power systems.
 - d. Construction and location of Lifeguard towers.
 - e. Construction or expansion of utilities and new small equipment, including water systems, waste water systems, electrical systems, communication systems, security systems, disposal systems, drainage systems, and irrigation systems.
 - f. Street widening.
 - g. Construction of play grounds and associated improvements thereto that do not require a building permit.
 - h. Construction of sports related improvements including ball field fencing, backstops, scorekeeper booths, dugouts, football goal posts, portable bleachers, soccer goals, scoreboards and other such recreational structures of similar size.
 - i. Construction of interior roadways, driveways, parking lots, and jogging and bicycling paths within existing park facilities.
 - j. Construction of interior roadways, driveways, curbs, parking lots and related structures.

4. Type 4 - HAR 11-200.1-15(c)(4): Minor alterations in the conditions of land, water, or vegetation.
 - a. Minor cut, fill and grading of County property which does not exceed fifty cubic yards of material on any one site and does not exceed two feet in vertical height at its highest point for work within the Special Management Area.
 - b. Reinternment of burial remains as approved by the State of Hawaii, Area Burial Councils.
 - c. Removal or an existing sea/retaining wall or shoreline armoring subject to the following criteria:
 - i. The sea/retaining wall or armoring has been certified as structurally unsound in its present condition by a structural engineer;
 - ii. Removal of the sea/retaining wall or armoring is determined as a mitigative measure to impacts identified by a technical study conducted by a certified professional engineer or geologist;
 - iii. The sea/retaining wall or armoring is determined a safety hazard to the public or environment, and the impacts of retaining the sea/retaining wall or armoring are determined to be more beneficial than removal; or
 - iv. Removal of the sea/retaining wall or armoring is done in conjunction with beach nourishment efforts.
 - d. Beach nourishment and sand dune restoration activities of less than 10,000 cubic yards of beach quality sand.
 - e. Stream bank repair, reconstruction and lining.
5. Type 5 - HAR 11-200.1-15(c)(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.
6. Type 6 - HAR 11-200.1-15(c)(6): Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places.
 - a. Demolition of structures within the historic districts of Maui County subject to the following criteria:
 - i. The structure does not have an archaeological, historic, architectural, or cultural significance to the historic district as determined by the State Historic Preservation Division or the County Cultural Resources Commission; and
 - ii. The structure is structurally unsound as certified by a structural engineer; or
 - iii. The structure is determined to be a safety hazard to the public or environment, and the impacts of retaining the structure are determined to be greater than demolition.
 - b. Demolition of a structure, as defined by Section 205A-22 of the Hawaii Revised Statutes, as amended, within the shoreline setback area, subject to the following criteria:
 - i. The structure is structurally unsound as certified by a Structural Engineer;
 - ii. Removal of the structures is determined as a mitigative measure to allow natural beach processes to occur; or

- iii. The structure is determined to be a safety hazard to the public or environment, and the impacts of retaining the structure are determined to be greater than demolition.
7. Type 7 - HAR 11-200.1-15(c)(7): Zoning variances except shoreline setback variances.
 8. Type 8 - HAR 11-200.1-15(c)(8): Continuing administrative activities.
 - a. Acquisition and leasing of land under the Community Development Block Grant (CBDG) program and facilities/improvements acquired for continued use, provided that the County conducts a site assessment.
 - b. Acquisition or interests, including easements, quitclaim, fee simple and leaseholds, in real property on which existing county facilities are situated, provided the County has conducted a site assessment.
 - c. Land exchanges, including but not limited to, transactions to correct existing roadway alignments and easement locations, public park facilities, and title transfers between the State and County involving no monetary consideration.
 9. Type 9 - HAR 11-200.1-15(c)(9): Acquisition of land and existing structures, including single or multi-unit dwellings units, for the provision of affordable housing, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding.
 10. Type 10 - HAR 11-200.1-15(c)(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...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 existing county zoning classification that allows housing; and (D) As proposed does not require variance for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(1).