

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

General Note

Pursuant to section 11-200.1-15, Hawaii Administrative Rules (“HAR”), the County of Maui Department of Public Works (hereinafter “MDPW”) 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.

PART 1: 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.”

This list is developed pursuant to HAR §11-200.1-16 (a)(1) and exempts specific activities from preparation of an Environmental Assessment (EA) and the requirements of section 11-200.1-17 because the activity is considered de minimis.

De minimis actions are routine activities and ordinary functions within the jurisdiction of the agency which do not require an exemption notice or consultation.

GENERAL EXEMPTION 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.

1. Roadways including patching, resurfacing, pavement rehabilitation, and pavement preservation activities such as crack filling, seal coating, slurry sealing, microsurfacing, cold planing, and placement of hot mix asphalt.
2. Traffic signals, associated hardware, conduit, in-ground detectors, above-ground detectors, pullboxes, and pedestrian push buttons.
3. Traffic calming and warning devices including speed bumps/humps/tables, raised crosswalks, speed radar monitors, flashing beacons, control cabinets, and boxes.
4. Roadway elements such as sidewalks, railings, signs, pavement markings, guardrail, curb ramps, detectable warning mats, traffic control devices, street lighting, benches, driveway aprons, and bike racks. Exterior lighting will comply with HRS 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

5. Roadside slope stabilization features such as earthen embankments, grassed slopes, revetments, armored/engineered slopes, rock slopes, rock walls, and retaining walls.
6. Culverts, drain lines, drainage structures, and outlets to address corrosion, cracking and other defects through the use of concrete, cured-in-place pipe, sliplining, or flushing drain lines with a vactor truck or other means.
7. Swales, berms, shoulders, landscaping, and curbs.
8. Repair and maintenance of existing legal non-conforming or permitted sea/retaining walls, which involve no expansion.
9. Bridges and culverts such as concrete patching, painting/coating, repair of spalling and delamination at the bridge deck, superstructure, abutments, piers, foundation, railing, parapet, and wingwalls.
10. Bridge weight limit signs, guardrail posts and beam, transitions, and end treatments.
11. Components of existing flood control facilities and drainage structures, such as earthen and concrete levees, floodwalls, channels, drainage outlets, gages or stream monitoring devices, valves, inlets, and debris basins. Maintenance includes clearing and grading to maintain flood control access routes.
12. Sand plugs, drainage ditches, and stream banks including, but not limited to, those with direct outlet to the ocean.
13. County cemeteries including all necessary work related to new burials. Maintenance activities includes the repair, repainting, cleaning and servicing of buildings and structures including but not limited to fencing, wall, gates, sheds, parking lots, internal roadways, driveways, and garages.
14. Buildings and structures, including but not limited to fencing, retaining walls, gates, sheds, parking lots, internal roadways, driveways, garages, and stationary and mobile motorized equipment.
15. Equipment, including but not limited to pumps, motors, electrical transformers, cabinets, panels, and vaults, power, light, and telephone pole systems, heating, ventilation, and air conditioning (HVAC), irrigation controllers, telephone stations, emergency electrical generators, elevators, and lifts provided for accessibility. Exterior lighting will comply with HRS 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

16. Interior alterations and renovations to public facility buildings, including but not limited to partitions, doors, counters, cabinets, shelving, flooring, plumbing, electrical systems, heating ventilation and air conditioning systems, and electrical conveyances.
17. Landscaping and irrigation systems.
18. Construction staging areas and stockpiling of material in support of above operation, repair, and maintenance activities.

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

GENERAL EXEMPTION 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.

1. Roadways including excavation of weakened pavement areas and placement of a new pavement section.
2. Traffic signals, associated hardware, conduit, in-ground detectors, above ground detectors, pullboxes, and pedestrian push buttons.
3. Traffic calming and warning devices including speed bumps/humps/tables, raised crosswalks, speed radar monitors, flashing beacons, control cabinets, and boxes.
4. Roadway elements such as sidewalks, railings, signs, pavement markings, guardrail, curb ramps, detectable warning mats, traffic control devices, street lighting, benches, driveway aprons, and bike racks. Exterior lighting will comply with HRS 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.
5. Roadside slope stabilization features such as earthen embankments, grassed slopes, revetments, armored/engineered slopes, rock slopes, rock walls, and retaining walls.
6. Culverts, drain lines, drainage structures, and outlets to address corrosion, cracking and other defects through the use of concrete, cured-in-place pipe, sliplining, or flushing drain lines with a vactor truck or other means.
7. Replacement, reconstruction, or relocation of existing water, sewer, electrical, or other utility systems.
8. Swales, berms, shoulders, landscaping, and curbs.
9. Bridge weight limit signs, guardrail posts and beam, transitions, and end treatments.
10. Components of buildings and structures, including but not limited to fencing, walls, gates, sheds, parking lots, internal roadways, driveways, garages, and stationary and mobile motorized equipment.
11. Equipment, including but not limited to pumps, motors, electrical transformers, cabinets, panels, and vaults, power, light, and telephone pole systems, heating, ventilation, and air conditioning (HVAC), irrigation controllers, telephone stations, emergency electrical generators, elevators, and lifts provided for accessibility. Exterior lighting will comply with HRS 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

GENERAL EXEMPTION 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:

1. Minor street improvements within existing County rights of way, including traffic calming devices, road channelization and re-channelization, traffic control devices, street lights, directional information, regulatory and warning signs, pavement markings, driveway aprons, curb ramps and other accessibility improvements, landscaping, and accessory equipment. Exterior lighting will comply with HRS 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.
2. Minor drainage improvements within existing County rights of way, including curbs, swales, and berms.
3. Minor water, sewer, electrical or other utility systems.
4. Bollards and vehicle access barriers.
5. Security lighting of public grounds, including structures and parking lots. Exterior lighting will comply with HRS 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.
6. Equipment installations including, but not limited to pumps; motors; electrical transformers, cabinets, panels and vaults; power, light and telephone pole systems; heating, ventilation and air conditioning (HVAC) systems; irrigation control systems; telephone stations; emergency electrical generators; and lifts provided for handicapped accessibility. Exterior lighting will comply with HRS 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.
7. Essential utilities and new, small equipment including, but not limited to, wastewater systems, drainage systems, water systems, electrical systems, communications systems and irrigation systems.
8. Instillation of guardrails and other barrier treatments within public road rights-of-way.
9. Appurtenant features to existing facilities, such as fences, walls, gates, and sheds.
10. Acquisitions of interests, including fee simple, quitclaim, easements and leaseholds, in real property on which County facilities will be situated, provided that the County has conducted a site assessment.

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

GENERAL EXEMPTION TYPE 4- HAR 11-200.1-15(c)(4):

Minor alterations in the conditions of land, water, or vegetation;

1. Routine maintenance dredging of existing streams, channels, and drainage ways.
2. Removal of debris, vegetation, and sediment within existing flood control facilities.
3. Removal of debris, vegetation, and sediment within streams and drainage assets owned and/or maintained by the County of Maui during dry periods.
4. Removal of debris, vegetation, and sediment within County-maintained basins during dry periods.
5. Lowering of sand plugs in anticipation of severe weather and flooding events.
6. Slope stabilization at existing stream banks to address erosion, scour/undermining, potential bank failure, and to reduce flood risk to adjacent properties.
7. Vegetation management, including fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, application of roadway herbicide (outside of drainageways), clearing and grubbing, street sweeping, tree trimming/cutting and removal.
8. Establishment of vegetation, including hydromulching, seeding, soil stabilization, placement of sod and landscaping.
9. Stockpiling of material.
10. Management of stormwater best management practices and low impact development techniques.
11. Removal of trees that endanger life or property and removal of non-significant trees.

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

GENERAL EXEMPTION 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;

1. Field surveying for topographic maps, establishment of controls and boundaries, ALTA surveys, shoreline setback surveys, construction staking, and other land surveying practices necessary for County projects.
2. Water quality sampling, drinking water testing, sediment and soil analysis, compliance monitoring, marine and biological surveys, specimen collection, wetland delineation, stream assessments and ordinary high water mark identification.
3. Collection of stream data through installation of monitoring equipment, staff gages, and appurtenant work such as transmitting devices, solar panels, and minimal site grading.
3. Archaeological monitoring, cultural impact assessments, historic building and engineering record documentation, archaeological inventory surveys, including subsurface investigations to identify cultural and historic properties.
4. Geotechnical exploration, drilling of boring logs, pavement cores, percolation testing, soil laboratory analysis, in-situ soil testing, ground penetrating radar, and other studies needed for the evaluation of ground movement, vibration, and groundwater studies.
5. Drone surveys, Light Detection and Ranging (LIDAR) data collection, aerial imagery collection, photogrammetry, 3D laser scanning for topographical information,
6. Traffic and transportation data collection, including traffic volume, peak hour turning movement, pedestrian counts, evaluation of intersection operation, determination of average daily traffic, research of accident data, and monitoring of pedestrian, bicycle, and transit activity.
7. Flora and fauna surveys, including identification of plant and animal species and documentation of status and abundance.

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

GENERAL EXEMPTION TYPE 8- HAR 11-200.1-15(c)(8):

Continuing administrative activities

1. Purchase of supplies, equipment, materials, and services.
2. Contracts for small purchases, professional services, competitive sealed proposals, competitive sealed bidding, or purchase of goods and services.
3. Requests for Federal, State, County or private assistance grants to support ongoing operations or implement programs of COM-DPW.
4. Land exchanges including, but not limited to, transactions to correct existing roadway alignments and easements, and title transfers between the State and County involving no monetary consideration.
5. Acquisition of interests, including fee simple, quitclaim, easements, and leaseholds, in real property on which County facilities are currently or will be situated, provided that the County has conducted a site assessment.
5. Permit approvals issued in accordance with the applicable County, State, and Federal regulations and/or ordinances.
6. Personnel-related actions.
7. Training, public safety efforts, and other educational activities.

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

PART 2: 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."

This list is developed pursuant to HAR §11-200.1-16(a)(2) and exempts activities from preparation of an EA because the activity falls within the general types of actions eligible for exemption per HAR 11-200.1-15.

Exempt actions individually and cumulatively will have minimal or no significant effect, and must fulfill the exemption notice requirements set forth in HAR 11-200.1-17.

GENERAL EXEMPTION 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.

1. Repair and maintenance of existing legal non-conforming or permitted sea/retaining walls, which involve no expansion.
2. Roadside slope stabilization features such as earthen embankments, grassed slopes, revetments, armored/engineered slopes, rock slopes, rock walls, and retaining walls.

GENERAL EXEMPTION 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:

1. Street widening and improvements within existing County rights of way which do not increase vehicular capacity, including pavement widening, new walkways, bike paths, traffic signals, street lights, railings, benches, and bike racks. Exterior lighting will comply with HRS 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.
2. Drainage facilities within existing County rights of way, including new drain lines, catch basins, drainage inlets, outlet structures, drainage drywells, or ditches.
3. Roadside slope stabilization features such as earthen embankments, grassed slopes, revetments, armored/engineered slopes, rock slopes, rock walls, and retaining walls.

GENERAL EXEMPTION TYPE 6 - HAR 11-200.1-15(c)(6):

Demolition of structures, except those structures that are listed on the national register or

**EXEMPTION LIST FOR THE
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS**

Hawaii Register of Historic Places;

1. Demolition and removal of structures, except those structures located on any historic site as designated in the National Register or Hawaii register as provided for in the Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §460, as amended, or Chapter 6E, Hawaii Revised Statutes.
2. The demolition of dilapidated, unsafe, or dangerous buildings or structures required by building, housing, or health codes and regulations.
3. Demolition of a structure located within the historic districts of Maui County and the National Lahaina Historic Landmark District subject to the following criteria:
 - A. The structure does not have any archaeological, historic, architectural, or cultural significance to the historic district as determined by the DLNR State Historic Preservation Division, County Cultural Resource Planner, or the County Cultural Resources Commission; and
 - B. The structure is structurally unsound as certified by a Structural Engineer
 - C. Demolition of a structure if 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 removal.