

**Exemption List for the State of Hawai'i
Department of Agriculture & Biosecurity
Agricultural Resource Management Division**

Concurred with by the Environmental Advisory Council on _____.

This State of Hawai'i, Department of Agriculture & Biosecurity (DAB), Agricultural Resource Management Division (ARMD) Comprehensive Exemption List, reviewed and concurred by the State of Hawai'i, Environmental Advisory Council, revises and supersedes the March 8, 2000 exemption list for ARMD.

Pursuant to Hawai'i Administrative Rules (HAR) § 11-200.1-15, there are ten types of actions that shall generally be exempt from the preparation of an environmental assessment (EA). Pursuant to HAR § 11-200.1-15(d), these exemptions are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

The ARMD Comprehensive Exemption List of actions eligible for exemption is organized by the ten general types of actions (HAR § 11-200.1-15) and further classified within each type as one of the following:

Part 1: ARMD deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR § 11-200.1-16(b); and

Part 2: ARMD exempts the action from the preparation of an EA and files an exemption notice in accordance with HAR § 11-200.1-16(c).

(exemption list begins on the following page)

EXEMPTION TYPE 1: Operations, repairs or maintenance of existing structures, facilities, equipment, or topographic features, involving negligible or no expansion or change of use beyond that previously existing.

Type 1, Part 1:

1. Operations, repairs, and/or maintenance of existing irrigation system. Performing routine preventive maintenance such as cutting of trees which are threatening the performance of the irrigation system; trimming brush and branches; and removing sediment and debris to keep access and waterways clear.
2. Repairs and maintenance of existing paved and unpaved roadways, roadway shoulders, curbs, gutters, signage, roadway structures (such as culverts and bridges), driveways, parking areas, walkways, and street lights., including but not limited to regrading, resurfacing, restriping, trench restoration, cleaning, chipping, and patching.
3. Operations, repairs, and/or maintenance of existing structures and facilities, including but not limited to buildings, processing and marshalling facilities, control buildings, warehouses, storage or paint sheds, base yards, grounds, and other related facilities. Performing routine preventive maintenance such as trimming brush and branches, painting structures, removing and replacing windows, doors, and other building accessories due to wear and tear, fixing fences; and installation of security lights and alarms
4. Modification required to existing buildings and equipment to meet new codes and regulations, i.e., Occupational Safety & Health Administration, building, fire, security, accessibility for the handicapped, environmental compliance, etc.
5. Vector and pest control: Fumigation and treatment of buildings for termites, cockroaches, ants, vermin and other pests using pesticides registered by the State Department of Agriculture & Biosecurity and the EPA.
6. Operations, repairs, and/or maintenance of existing pumps and controls, pipes and other water control devices Including, but not limited to repairing existing electrical, electronic or telemetering systems used to control, operate, or monitor facilities,

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equipment, and appurtenances. Repair existing diversions and intake structures, including valves, gates, and intake boxes.

7. Repairs and maintenance of existing dam or reservoir structures and appurtenant features, including vegetation clearing, outlet work repair, gate replacement, ditch clearing, replacement of catwalk and access ways, spillway modifications to safely pass anticipated flood waters, and spillway reconstruction to mitigate possible failures.
8. Repairs and maintenance work on or the breaching of existing dam or reservoir structures of an emergency nature due to storm, earthquake, or other natural disaster or other forms of damage, latent defects in construction, and conditions not previously observed during routine inspections that result in a condition that poses a significant hazard to public safety and the environment. The work necessary to mitigate the danger posed to the environment and public safety includes emergency clearing and grading for breaching or stabilization work, installation and operation of siphons and pumping systems to discharge water from the reservoir, construction of seepage drains, and the construction of seepage monitoring berms.

Type 1, Part 2:

1. Repairs and maintenance of existing earth berms, storm water drainage swales, culverts, stream banks, and streams, including but not limited to, streams with direct outlet to the ocean.
2. Repairs and maintenance of historic and archaeological sites to maintain the integrity of historic structures, archeological features and sites.
3. Routine maintenance and removal of dirt, rock, debris, sediment, and accumulated boulders from canals, streams, flood-control structures and debris/catchment structures, where such removal will not have an adverse impact on the downstream waters, bays, or the environment.

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, provided that the facility, structure, pipe, intake, pump, channel, or other related appurtenances have not been abandoned.

Type 2, Part 1:

1. Replace or reconstruct existing electrical, electronic and telemetering systems to perform the same operational tasks of operating water and mechanical systems, equipment, and appurtenances in the agricultural parks, irrigation systems and agricultural processing and marshalling facilities.
2. Replace or reconstruct existing pumps and controls, pipe and channels in the same location and to a size commensurate with the existing system and source capacities to provide service in existing water systems.
3. Replace or reconstruct existing diversions and intake structures, including valves, gates, and intake boxes in order to collect or improve the collection at the location of the existing water source diversion works.

Type 2, Part 2:

1. Replace or reconstruct existing infrastructures of agricultural park subdivisions and processing, research/educational, and marshalling facilities in the same location and to a size or capacity commensurate with the existing facility and capacity to provide the same services.
2. Replace or reconstruct existing roads and road structures to the required County regulations when the condition of such roadways have become damaged or destroyed by natural or man-made catastrophes, (i.e., fire, vehicle accidents, power outages, pipeline breaks, etc.).
3. Replace, reconstruct or renovate existing structures, buildings and facilities for the same purposes as their existing use in the agricultural parks, irrigation systems, agricultural processing, research/educational, and marshalling facilities. Replace or

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reconstruct drainage, security fencing, and other exterior facilities which may be damaged by natural or man-made catastrophes.

4. Replace or reconstruct existing roads and road structures to the minimum width required for the operation of vehicles used in the operation and maintenance of water systems. Roads shall be single-lane with passing turnoffs approximately one mile apart or at the beginning and end of dangerous sections or streams or gully crossings.
5. Replace or reconstruct existing electrical and telemetering systems to perform the same operational tasks of operating water facilities, equipment and appurtenances in existing water systems.

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.

Type 3, Part 1:

1. Installation of security, electrical, telemetry, system control and data acquisition (SCADA), and safety equipment and structures that house or protect them.

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2. Irrigation or power connections no longer than 200 feet in length and having a pipe diameter of 6 inches or less, within State and County highway or road easements, which are only for lands under Departmental control, for Departmental facilities or for existing lessees.
3. Construction of retaining walls or rubble masonry not more than 5 ft. in height and 200 ft. in length for stabilizing embankment.
4. Construction of temporary storage or packing shed on individual agricultural park lots. Placement of excess materials and goods within the agricultural processing and marshalling facilities. Placement of shipping containers and other portable containers to support existing marshalling operations. The Division defines "temporary" to mean for a period not to exceed the purpose of the storage or packing period and not longer than one year with a shed size not greater than 300 square feet.
5. Construction of livestock fencing, enclosures and feed/water troughs to replace existing facilities at Hāmākua Agricultural Park only, provided, however that the action be limited to hold no more than 500 animals per day.
6. Construction of enclosures for security of equipment and vehicles within the agricultural processing and marshalling facilities.
7. Installation of exterior lights in already developed areas for security and safety purposes.
8. Roof top water catchments.
9. Lines and faucets for water for site use only.
10. Alteration of existing access to pumps, water reservoirs, drainage structures and other appurtenances within the agricultural parks and agricultural processing and marshalling facilities in order to improve accessibility.
11. Construction of minor structures (a facility put up for a specific use, period of time, temporary purpose, and to support operations). Examples include, but are not limited

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to, electrical power panels, shelters to cover portable pumps, canopies over open trenches, woodshed to provide the cutting, shaping, or fabrication of wooden flumes or to put together a piece of equipment.

12. Construction of accessory facilities that support operations, are needed to complete the work, and are usually for a specific use. Examples include, but are not limited to, toilets during work within watershed areas, fenced areas to store equipment, poles or frames to allow temporary power hookups, pipe supports to remove water from excavation and scaffolding to paint high tanks, flumes and structures.

Type 3, Part 2:

1. Construction of appropriate structures not exceeding 1,000 square feet on the Department of Agriculture & Biosecurity property and modify/alter the Department of Agriculture & Biosecurity buildings to house utility or irrigation system components such as pumps, transformers, electric or electronic controls, instruments and monitoring devices, etc.
2. Construction/modification/alteration of carports and specialty storage facilities, such as paint sheds or instrument housing, on the Department of Agriculture & Biosecurity property.
3. Construction/modification/alteration of minor driveways or access roadways, limited to not more than 500 feet in length and 15 feet in width and to be used only to service existing irrigation systems, agricultural parks and processing and marshalling facilities.
4. Construction/modification/alteration of water tanks with less than 10,000 gallon capacity.
5. Installation of solar panels on buildings or parking structures.

EXEMPTION TYPE 4: Minor alterations in the conditions of land, water, or vegetation.

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Type 4, Part 1:

1. Regrading of individual agricultural park lots for maintenance purposes. Cleaning and grubbing of drainage swales, ditches and facilities after storm periods and redistributing of such material onto the agricultural parks. Provided that this action shall be limited to the size of each individual agricultural park lot or in the case of irrigation system facilities, not more than 3 acres or the size of the existing reservoir.
2. Clearing, grubbing or dredging of sediment or waste ponds for normal maintenance of accumulated material provided that all material removed from the ponds is deposited back onto the farm and none are hauled away and further provided that this action shall be limited to not greater than one acre and not more than five cubic yards.
3. Construction required to seal artesian wells which have been abandoned or are leaking. This is a positive means of preventing the wastage of ground water supplies.

Type 4, Part 2:

1. Trenching and construction of supporting features associated with the installation of staff gauges, water monitoring and reporting equipment at dam facilities and appurtenant works, such as equipment sheds, transmitting devices, solar panels, and minimal site grading and improvements for the safe operations and installation of these features.
2. Phase II Investigation work on a dam or reservoir, including soil sampling and drilling, water monitoring, and/or test pit excavations. This may include clearing or construction of site improvements needed to mobilize equipment or personnel to accomplish the task.

EXEMPTION TYPE 5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

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Type 5, Part 1:

1. Surveys, research and investigations into all aspects of water use, quantity, and quality.
2. Planning data collection.
3. Studies for the purpose of identifying hazardous conditions.
4. Noise monitoring surveys and monitoring.
5. Drainage studies.
6. Flood control studies.
7. Site inventories and site assessments.
8. Building evaluations and monitoring.
9. Economic analyses.
10. Archaeological surveys, including clearing of vegetation in direct association with site evaluation and mapping.
11. Air quality surveys and monitoring.
12. Water quality surveys and monitoring.
13. Foundation surveys and subsurface investigations (borings) provided cultural remains are not disturbed.
14. Ecological and botanical surveys for which no permit is required.
15. Surveys, research, and investigations into all aspects of agricultural production and processing.

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16. Environmental impact research.
17. Hazardous materials surveys.
18. Data collection in accordance with NPDES requirements.
19. Topographic, metes and bounds, sounding, wave, littoral transport and location, aerial surveys.
20. Ground cover survey inspection of property for appraisal.
21. Development of feasibility studies.
22. Installation of staff gauges, water monitoring and reporting equipment at dam facilities, ditches, intakes, and appurtenant works.
23. Field investigative work including soil sampling and drilling, water monitoring, and/or test pit excavations. This may include clearing or construction of site improvements needed to mobilize equipment or personnel to accomplish the task.
24. Measurement of stream flow in accordance with the prescribed method and practices of, or acceptable to, the U.S. Geological Survey, installation of surface water monitoring equipment, and data collection.
25. Construction, installation, or rehabilitation of groundwater, surface water, or atmospheric monitoring and data collection equipment and structures that house or protect them, in accordance with established state standards.
26. Collection of atmospheric data and conducting of climatological monitoring in accordance with the methods and practices of, or acceptable to, the National Weather Service, and collection of data.
27. Installation of new, small ground water, surface water, or atmospheric monitoring and data collection equipment and structures that house or protect them.

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28. Subsurface trenching or digging necessary to install scientific or geological data collection devices.
29. Conducting research, survey, or demonstrative projects relating to methodologies used in agriculture, aquaculture, processing, food safety, or post-harvesting treatment.
30. Chemical, biological, and nutritional research, under controlled laboratory conditions, to study soil types, water quality, the effects of supplements on improving propagation, invasive species, and disease resistance.

Type 5, Part 2:

1. Construction of Gaging Stations to measure streamflow and flood crest in streams in accordance with the prescribed method and practices of the U.S. Geological Survey. Installation of Climatological stations to collect data on climatology, all in accordance with the method and practices of the National Weather Service.
2. Construction of test wells not more than 8 inches in diameter to provide ground truth for water resources investigations. The suggested size will enable the aquifer to be tested for its physical, chemical, biological qualities, as well as providing a pumping test to determine the specific capacity of the aquifer. Test wells shall not be developed to serve water unless an EIS or negative declaration is prepared, provided, however that test well sites be limited to urban areas or areas which do not contain environmentally sensitive resources. All other sites shall require an environmental assessment under Chapter 343, HRS.

EXEMPTION TYPE 6: Demolition of structures, except those structures that are listed on the national register or Hawai'i Register of Historic Places.

Type 6, Part 1:

1. Demolition and removal of experimental devices or other equipment, when such devices or equipment are no longer used or needed.

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2. Demolition, and/or removal of unusable, obsolete, abandoned, damaged, or unauthorized structures, dwellings, machinery, utilities, equipment, vehicles, piping, electrical infrastructure, lumber, trash, or improvements on agricultural lands and agricultural processing or marshalling facilities. Proper disposal of removed materials according to regulatory requirements of federal, state, or county agencies
3. Demolition of roadway paving and security fencing.

Type 6, Part 2:

1. Demolition and removal of existing structures, facilities, utilities, and other improvements on state lands, except those structures located on any historic site as designated in the National Register or Hawai'i Register as provide for in the National Historic Preservation Act of 1966, 16 U.S.C §470 et. seq., as amended, or Haw. Rev. Stat Chapter 6E. The application of Exemption Type 8 does not preclude the need for County demolition approval and compliance with State solid waste management regulations for handling and disposal of regulated materials such as asbestos, lead-containing materials, polychlorinated biphenyls, etc.
2. Demolition and removal of buildings and structures prior to or concurrent with the construction of a new or replacement building or structure, except those structures located on any historic site.

EXEMPTION TYPE 7: Zoning variances except shoreline setback variances

Type 7, Part 1:

1. Variances for construction required to maintain existing utilities.

Type 7, Part 2:

1. Application for zoning variance for use of DAB lands disposed to private parties or to governmental agencies, except shoreline setback variances.

EXEMPTION TYPE 8: Continuing administrative activities

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Type 8, Part 1:

1. Purchase of supplies, services, equipment, and motor vehicles to support existing operations.
2. Contracts for small purchase, professional services, competitive sealed proposals, competitive sealed bidding, or purchase of goods and services which are exempt from HRS 163D.
3. Requests for federal, state, county, or private assistance grants to support ongoing operations or implement the programs of DAB.
4. Personnel-related actions.
5. Training and other educational activities.
6. Acquisition or update/renewal of existing regulatory permits, including but not limited to approvals for herbicide/pesticide use, hazardous materials, laboratory research, water use permits, well closure/demolition.
7. Transfer of ownership or management authority over DAB-owned lands.
8. Acquisition of land or easements on which crops, livestock, water, or power system facilities and appurtenances are presently situated or under construction.
9. Creation or termination of easements, covenants, or other rights in structures or land.
10. Subdivision or consolidation of lots for agricultural crop production or accessory uses.
11. Conducting public meetings and hearings for the purpose of the collection and dissemination of public information to discuss matters under the jurisdiction of the DAB, to develop administrative rules, guidelines or other public policy, and other similar purposes.
12. Permits, licenses, registrations, and rights-of-entry issued by DAB that are routine in nature, involving negligible impacts beyond that previously existing.

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13. Granting to a person the privilege to conduct operations involving the provision of goods, wares, merchandise, or services to the general public, including but not limited to tours, food and beverage operations, retail operations, rental operations, or communications and telecommunications services in or on an existing building, facility, or area.
14. Issuance of leases, licenses, or permits of DAB lands, water systems, processing facilities, consolidation facilities, or infrastructure that are consistent with the DAB mission, including the support and promotion of diversified agriculture in the state. This exemption applies only to the issuance of the possessory interest in the land and not the underlying purpose or use of the land. Purpose and use of the land can only be exempt if it is properly exempt under another exemption type.
15. Request to the Department of Land and Natural Resources or other State agencies, for setting aside of State lands by Governor's Executive Order to the Department of Agriculture & Biosecurity and for award of land leases and permits. This exemption applies only to:
 - a. land designated by the Land Use Commission for agricultural use and not Conservation District land;
 - b. existing parcels and not new, raw land;
 - c. tracts of land less than 25 acres;
 - d. the award of leases and permits and not to the use of land.
16. Request to the Department of Land and Natural Resources or other State agencies, for transfer of State lands by Governor's Executive Order between the Department of Agriculture & Biosecurity and other State agencies and for award of land leases and permits. This exemption applies only to:
 - a. land designated by the Land Use Commission for agricultural use and not Conservation District land;
 - b. existing parcels and not new, raw land;
 - c. tracts of land less than 25 acres;
 - d. the award of leases and permits and not to the use of land.

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17. Leases and permits of agricultural parks and other §171-11, HRS, set aside State lands for continuing agricultural and aquaculture uses.

Type 8, Part 2:

1. None

EXEMPTION TYPE 9: Acquisition of land and existing structure, including single or multi-unit dwelling 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.

Type 9, Part 1:

1. Acquisition of real property and structures, by purchase, set aside, or other methods.

Type 9, Part 2:

1. None

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.
- 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)

Type 10, Part 1:

1. None

Type 10, Part 2:

1. None