

COMPREHENSIVE EXEMPTION LIST FOR THE
AGRIBUSINESS DEVELOPMENT CORPORATION
STATE OF HAWAII

~~JUNE 2, 2003~~ December 15, 2010

According to Section 11-200-8, Hawaii Administrative Rules, the Agribusiness Development Corporation (ADC) may declare exemption to the following types of actions from the requirement to prepare an environmental assessment:

EXEMPTION CLASS 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.

~~The word "existing" means presently in use. The following enumerated actions shall not be undertaken: 1) if the structure, facility, equipment, or topographic feature is not owned, leased, set aside, or under the legal control of the the Agribusiness Development Corporation; or 2) if the structure, facility, equipment or topographic features have been abandoned.~~

1. Repairs or rehabilitation which are necessary to maintain existing infrastructure improvements and facilities. ~~Removing~~ Removal of trees, shrubbery, and other foliage which are threatening to damage ~~the~~ existing infrastructures. ~~Performing~~ Routine preventive maintenance trimming of brush and branches and ~~maintenance~~ application of a non-restrictive herbicide. Removing sediment and debris to keep access clear.
2. Repairs which are necessary to keep in useful condition existing roads, drainage improvements, street lights and roadway structures or facilities, other subdivision improvements installed in accordance with County subdivision Ordinances.
3. Repairs or rehabilitation to maintain existing buildings, control buildings, warehouses, storage or paint sheds, baseyards, grounds, and other related facilities being used in the administration, operation and maintenance of the agricultural lands and agricultural processing and marshalling facilities.
4. Repairs, ~~operate~~ operation and ~~maintain~~ maintenance of pumps and controls, water meters, valves, pipes and other water control devices ~~in the same location~~ in order to provide service to existing agricultural lands and agricultural processing and marshalling facilities. Repair, operate, and maintain existing electrical, electronic or telemetering systems used to control or operate facilities, equipment, and appurtenances in the existing infrastructures.
5. Repairs which are necessary to maintain existing structures and facilities used in irrigation systems. Cutting of trees which are threatening to damage existing structures, facilities and waterways in the irrigation systems. Performing maintenance trimming of brush, removing and depositing sediment and debris in order to open the waterways for irrigation systems. Provided that the action of removing and depositing sediment and debris shall be limited respectively to removing from existing waterways and depositing within the right-of-ways of such waterways.
6. Repairs which are necessary to maintain in a useful condition the existing access roads and road structures (such as culverts and bridges) to the minimum width required for the operation of vehicles used in the operation and maintenance of irrigation systems. These

actions do not exempt ADC from required permits and other regulatory requirements of federal, state, or county agencies.

7. Repairs which are necessary to maintain existing office buildings, control buildings, processing/treatment facilities, warehouses, ~~paint~~ sheds, baseyards, grounds, water treatment plants, and other existing facilities ~~used in the existing water systems~~.
8. Repairs, operation and ~~maintain~~ maintenance of existing pumps and controls, pipes siphons, flumes, drains, wet wells, dams, reservoirs, and channels in the same location in order to maintain service in existing water systems. Repair existing electrical and telemetering systems used to operate water facilities, equipment, and appurtenances in existing water systems. Repairs, operation, and maintenance of existing diversions and intake structures, including valves, gates, and intake boxes. These actions do not exempt the ADC from required permits and other regulatory requirements of federal, state, or county agencies.
9. 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.
10. Repairs, operation and ~~maintain~~ maintenance of gauging stations, weather stations, and accessory structures.
11. Repairs, operation and ~~maintain~~ maintenance of existing electric generating and power transmission systems and infrastructures.
12. Acquisition of land or easements on which water or power system facilities and appurtenances are presently situated or under construction.
13. ~~Acquisition of existing agricultural land or infrastructure for agricultural use only. Set asides by Governor's Executive Order or leases of existing state-owned agriculture lands, water systems, infrastructure, or facilities to the ADC and for award of land leases, licenses, and permits.~~
14. Issuance of leases, licenses, permits of agriculture lands, water systems, processing facilities, consolidation facilities, or infrastructure for continuing agriculture, silviculture, and aquaculture uses.

EXEMPTION CLASS 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 scope of work should not exceed the original construction design of the structures or facilities.

1. Replacement or reconstruction of existing infrastructures of agricultural lands 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. Replacement or reconstruction of existing roads and road structures to the required County regulation 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. Replacement, reconstruction or renovati~~one~~ of existing structures, buildings and facilities for the same purposes as their existing use in the agricultural lands, irrigation systems, agricultural processing, research/educational, and marshalling facilities.
Replacement or reconstruction of drainage, security fencing, and other exterior facilities ~~which may be damaged by natural or man-made catastrophes.~~
4. Replacement or reconstruction of 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.
5. Replacement or reconstruction of 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.
6. Replacement or reconstruction of 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.~~
7. Replacement or reconstruction of existing structures, buildings and facilities to the same size and for the same purpose as their existing use in the irrigation systems.
Replacement or reconstruction of existing electrical and telemetering systems to perform the same operational tasks of operating water facilities, equipment and appurtenances in existing water systems.
8. Replacement or reconstruction of 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. This action shall not exempt the ADC from permit requirements and other regulatory requirements of federal, state, or county agencies.
9. Replacement or reconstruction of existing gauging stations, weather stations, or accessory structures located in the same location and size commensurate with the existing systems.
10. Replacement or reconstruction of existing electric generating and power transmission systems and infrastructures.

EXEMPTION CLASS 3: Construction, location and alteration/modification of single, new, small facilities or structures or accessory buildings; installation, alteration and/or modification of small, new equipment and appurtenant and support facilities.

1. Construction of appropriate structures not exceeding 1,000 square feet on ADC property and ~~modify~~modification/alteration of ADC 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 ADC property.~~
3. Installation of security, system control and data acquisition (SCADA), measuring devices, communication equipment and safety equipment.
4. Installation of irrigation, drainage, 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 ADC control, for ADC facilities or for existing lessees. Installation of water meters, electric meters, valves, gates, flumes, weather stations, control devices, and instrumentations.
5. Construction of retaining walls or rubble masonry not more than 5 ft. in height and 200 ft. in length for stabilizing embankment.

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

1. Regrading of agricultural lands for maintenance purposes. Removal of rocks, debris, and rubbish trash from fields or access roads. Cleaning, grubbing and dredging of drainage swales, ditches, sediment ponds, and facilities as routine maintenance and redispersing of such material onto the agricultural lands.
2. Minor cut, fill and grading of soil to divert rainwater away from irrigation ditches and infrastructures.
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.
4. Minor grading and grubbing of lands in preparation for construction of structures exempt under Exemption Class 3.

EXEMPTION CLASS 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.

1. Construction of ~~Gaging-gaging Stations-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 weather 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.

3. Conducting surveys, studies, research and reporting of the following nature: topographic, drainage, water quality, water system loss, dam safety, soil characteristics, environmental, cultural, hazardous material, metes and bounds, site appraisal, economical analysis, production, processing, engineering, transportation, distribution, marketing, agriculture labor, agriculture housing, renewable energy, waste disposal, or other related agricultural ~~land~~-management functions.

4. Conducting research or demonstrative projects relating to methodologies used in agriculture, aquaculture, processing, food safety, or post-harvesting treatment on confined sites.

EXEMPTION CLASS 6: Construction or placement of minor structures accessory to existing facilities.

The ADC defines "minor structures" to mean a facility put up for a specific use, period of time, temporary purpose, and to support operations. Examples include electrical power panels, shelters to cover portable pumps, canopies over open trenches, wood shed to provide the cutting, shaping, or fabrication of wooden flumes or to put together a piece of equipment.

The ADC defines "accessory" to mean a facility that supports operation, is needed to complete the work, and usually for a specific use. Examples are 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.

1. Construction of temporary storage or packing shed on agricultural lands. 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 ADC 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.
2. Construction of livestock fencing, enclosures and feed/water troughs to replace existing facilities, provided, however that the action be limited to hold no more than 500 animals per day.
3. Construction of enclosures for security of equipment and vehicles within the agricultural processing and marshalling facilities.
4. 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.
5. Installation of exterior lights in already developed areas for security and safety purposes.
6. Above ground water or utility tanks for site use only. Spill containment should be provided when appropriate.
7. Roof top wWater catchment system no larger than 10,000 gallons.
8. Utility Lines and water faucets ~~for water~~ for site use only.
9. Alteration of exiting access to pumps, water reservoirs, drainage structures and other appurtenances within the agricultural lands and agricultural processing and marshalling facilities in order to improve accessibility.
10. Installation of fencing and security gates on ~~certain critical parts of~~ irrigation systems, reservoirs, access roads, and agriculture land.

11. Placement of signs along irrigation systems, drainage systems, power systems, and agricultural lands.

12. Installation of erosion control materials and planting of erosion control vegetation along irrigation systems, reservoirs, access roads, and agriculture land.

EXEMPTION CLASS 7: Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

1. Renovations and reconstruction to conform to disability access regulations and OSHA laws in existing structures of the agricultural lands and agricultural processing and marshalling facilities.

2. Installation of security lights and alarms within existing structures of the agricultural processing and marshalling facilities.

3. Normal removal and replacement of windows, doors, partitions, floors, ceiling, roof, and other building accessories due to wear and tear to including repainting of structures. This exemption does not include procedures needed to handle lead paint, asbestos, or other toxic substances.

4. Fencing for water facilities.

5. Expand utilities as need dictates in existing structures.

EXEMPTION CLASS 8: Demolition of structures, except those located on any historic site as designated in the National Register or Hawaii Register as provided for in the National Historic Preservation Act of 1966, as amended, or chapter 6E, HRS.

1. Removal of damaged structures or portions of roofs or walls which were caused by natural or manmade catastrophes.

2. Demolish roadway paving and security fencing damaged by natural catastrophes. Removal of drainage pipes or headwalls damaged by heavy stormflows.

3. Demolition, and/or and/or removal of unusable, obsolete, abandoned, or unauthorized structures, dwelling, campsites, machinery, equipment, vehicles, piping, electrical lines, transformers infrastructure, lumber, rubbish/trash, or improvements on agricultural lands and agricultural processing or marshalling facilities. Disposal of removed materials following regulatory requirements of federal, state, or county agencies.

EXEMPTION CLASS 9: Zoning variances except shoreline setback variances.

EXEMPTION CLASS 10: Continuing administrative activities, including, but not limited to, purchase of supplies and personnel-related actions.

1. Purchase of supplies, services, equipment, and motor vehicles to support existing operations.

NOTE:

As stipulated in Section 11-200-8(b), Hawaii Administrative Rules, all exemptions under this list are inapplicable when the cumulative impact of planned successive actions of the same types, 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.
