

## Guidance on Environmental Impact Statements (EIS) and Environmental Assessments (EAs)

UH Biosafety Program  
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EISs and environmental assessments (EAs) are written to document the environmental impacts of a planned activity or project on an area. EISs, EAs, land use plans, management plans, and mitigation plans are important sources of information about land. They include detailed information about plants and animals, historical background of the site, and cultural information, and they may have detailed maps, photographs, or drawings of sites. The general process is that a draft EIS or plan is posted online, made available by an agency, and/or deposited in libraries for a public comment period. The public comments are incorporated into the final EIS or other plan. The governing agency issues a decision about whether or not the environmental impacts are significant. If significant impacts are anticipated, the project may be halted, or a mitigation plan may be required.

State and federal laws govern the requirements for producing EISs, EAs, and other planning documents. Generally, EISs are written by government contractors who specialize in environmental planning. In Hawai`i, the state Environmental Review Program enforces the Environmental Quality Control Act. For an overview of the state EIS process, the ERP publishes a [Citizen's Guide](#). Newly released drafts, decisions, and announcements of final actions are published in the [Environmental Notice](#), which is available on the ERP website.

### University of Hawaii

EP 10.205	<a href="#">List of Actions Exempt from Filing of Environmental Impact Statement</a>	2014-10
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At the federal level, the [National Environmental Policy Act](#) governs the EIS/EA process. Announcements of draft and final documents and records of decision are published in the [Federal Register](#). Other federal laws, such as the Endangered Species Act and the Marine Mammal Protection Act, may also require the production of planning documents with public input.

### Minor Projects Should be Declared Exempt

Certain activities are deemed minor or routine by the state or county agency that has oversight. The agency can declare the activity exempt from environmental review. There are 10 classes of exempt action under the Environmental Impact Statement (EIS) rules. The exempt classes of actions, found in HAR §11-200-8, are listed here. Exceptions to exemptions follow the exemption classes:

Exempt Class #1:

Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

Exempt 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.

Exempt Class #3:

Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:

- (A) Single-family residences less than 3,500 square feet 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 20 persons or less 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

Exempt Class #4:

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

Exempt 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. Gathering of soil, air, water, plant, animal, fish, mineral and other specimens for research, experimental, or instructional purposes. This

item does not apply to: the gathering of threatened or endangered plant, animal or fish species; the importation of plant, animal or fish species; actions that detrimentally affect air or water quality and ambient noise level.

2. Historic, geographic, or demographic surveys
3. Topographic, land use, soils, and drainage survey
4. Flora and fauna surveys
5. Environmental impact research
6. Horticultural, silvicultural and floracultural experiments within confined sites

Exempt Class #6:

Construction or placement of minor structures accessory to existing facilities

Exempt Class #7:

Interior alterations involving things such as partitions, plumbing, and electrical conveyances

Exempt Class #8:

Demolition of structures, except those structures 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, Public Law 89-665, 16 U.S.C. §470, as amended, or chapter 6E, HRS

Exempt Class #9:

Zoning variances except shoreline setback variances; and

Exempt Class #10:

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

All exemptions under the classes in this section 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.

Any agency, at any time, may request that a new exemption class be added, or that an existing one be amended or deleted. The request shall be submitted to the council, in writing, and contain detailed information to support the request as set forth in section 11-201-16, Environmental Council rules.

Each agency, through time and experience, shall develop its own list of specific types of actions which fall within the exempt classes, as long as these lists are consistent with both the letter and intent expressed in these exempt classes and Chapter 343, HRS. These lists and any amendments to the lists shall be submitted to the council for review and concurrence. The lists shall be reviewed periodically by the council.

Each agency shall maintain records of actions which it has found to be exempt from the requirements for preparation of an environmental assessment in Chapter 343, HRS, and each agency shall produce the records for review upon request.

In the event the governor declares a state of emergency, the governor may exempt any affected program or action from complying with this chapter HAR §11-200-8, exempt action under the EIS rules.

A Guidebook for the Hawaii State Environmental Review Process June 2004  
<http://www.friendsofhaleiwabeachpark.org/guidebook.pdf>

# UH Executive Policy 10.205

## Title

List of Actions Exempt from Filing of Environmental Impact Statement

## Header

Policy Chapter 10, Land and Physical Facilities

Executive Policy [EP 10.205](#), List of Actions Exempt from Filing of Environmental Impact Statement

Effective Date: October 2014

Dates Amended: August 2011

Responsible Office: Office of the Vice President for Administration

A. Governing Board of Regents Policy: [RP 10.204](#), List of Actions Exempt from Filing of Environmental Impact Statement

Review Date: August 2019

## I. Purpose

A. To maintain the policy-based administrative infrastructure created by Board policy relating to the "List of Exempt Classes of Action Pursuant to Section 11-200-8 (a) Hawaii Administrative Rules.

B. To serve to transition the administration of the administrative infrastructure from Board policy to Executive policy promulgated by the President.

C. To provide the "List of Exempt Classes of Action Pursuant to Section 11-200-8 (a) Hawaii Administrative Rules and amend the list as operational needs require.

## II. Definitions

No policy specific or unique definitions apply.

## III. Executive Policy

A. Introduction

This Executive policy embodies former Board of Regents policy relating to the "List of Exempt Classes of Action Pursuant to Section 11-200-8 (a) Hawaii Administrative Rules is provided below. With the Board of Regents delegation of authority to the President relating to the "List of Exempt Classes of Action Pursuant to Section 11-200-8 (a) Hawai'i Administrative Rules, the intent of this Executive policy is twofold. First, this Executive policy maintains the policy-based administrative infrastructure created by Board policy relating to the "List of Exempt Classes of Action Pursuant to Section 11-200-8 (a) Hawaii Administrative Rules

Second this policy serves to transition the administration of the administrative infrastructure from Board policy to Executive policy promulgated by the President.

## B. Responsibilities

The "List of Exempt Classes of Action Pursuant to Section 11-200-8 (a) Hawaii Administrative Rules is provided below and the President is delegated the authority to add to or delete from the List of Exempt Classes of Action Pursuant to Section 11-200-8 (a) Hawaii Administrative Rules as operational needs change. (Feb. 13, 1976)

Note: As stipulated by Section 11-200-8 (b) Hawaii Administrative Rules, if an exemption is proposed in a particularly sensitive environment or if successive exempt actions could have a cumulative significant impact, the exempt status of the action would be invalid. Environmentally sensitive areas include flood plains, wetlands, beaches, and coastal areas, erosion-prone areas, geologically hazardous land, critical habitat and estuaries.

A. Exemption Class #1: Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

### 1. Operation, repair or maintenance of:

a. Existing buildings used for offices, classrooms, laboratories, laboratory animals, aquaria, libraries, theaters, student and faculty housing, food service, stores or storage on lands owned, leased or rented by the University

b. Workshops and warehouses

c. Swimming pools, gymnasiums, arenas, playfields and playcourts. Playfields to include football, baseball, softball, soccer fields, track and field, and golf short course and putting green. Playcourts to include tennis basketball, volleyball, badminton and handball

d. Auto repair shops and fuel storage and pumps not requiring Department of Health permit

e. Automotive equipment

f. Air conditioning and ventilating systems

g. Refrigerators and freezers

h. Heaters, boilers, and stoves

i. Antennas, towers, and poles

j. Communication systems

k. Electrical, plumbing, and storm drainage systems

l. Sewer pipelines, aeration ponds and tanks, and cesspools

m. Roads, walkways, parking lots, bike paths, and vehicular ramps

- n. Furnaces and kilns
- o. Compactors and incinerators
- p. Pens, cages, ponds/pools, tanks, and greenhouses
- q. Piers, catwalks, floating docks and boat landings
- r. Walls, seawalls, and fences
- s. Elevators, pedestrian ramps and stairways
- t. Seats, bleachers, and booths
- u. Campus signs and scoreboards
- v. Artwork and historic structures including but not limited to sculptures, frescoes, Varney Circle and Founders Gate
- w. Scientific equipment used for research, instructional, and experimental functions, including but not limited to lasers, x-rays, spectrosopes, oscilloscopes, analyzers, distillers, computers, electron microscopes and diathermic apparatus

2. Painting and re-roofing of existing buildings

3. Campus landscaping and maintenance

4. Use of EPA and State Department of Agriculture approved pesticides and herbicides under the supervision of certified applicators for spot treatments within specified areas on land owned, leased, or rented by the University, except on Mauna Kea, Haleakala, or other sensitive areas.

B. 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.

1. Replacement or reconstruction of:

a. Existing buildings used for offices, classrooms, laboratories, or storage on lands owned, leased, or rented by the University, except those that may be aesthetically, historically, or culturally significant

b. Hazardous waste material storage areas

c. Flammable fluid storage facilities or structures

d. Cold storage

e. Pumps and storage for fuel oils, not requiring Department of Health permit

f. Workshops and tool sheds

g. Tents and temporary sheds

- h. Pens, cages, ponds/pools, tanks, and greenhouses
- i. Piers, catwalks, floating docks and boat landings
- j. Walls and fences, including seawalls at Coconut Island but excluding all other water front installations
- k. Sewer pipelines, aeration ponds/tanks, and cesspools
- l. Electrical, plumbing, communications and drainage systems
- m. Air conditioning and ventilating systems
- n. Antennas, towers, and poles
- o. Elevators, pedestrian ramps, and stairs
- p. Athletic courts and fields
- q. Parking lots, walkways, road, and bike paths
- r. Compactors and incinerators
- s. Campus signage

C. Exemption Class #3: Construction and location of single, new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (a) single family residences less than 3,500 square feet not in conjunction with the building of two (2) or more such units; (b) multi-unit structures designed for not more than four (4) dwelling units if not in conjunction with the building of two (2) or more such structures; (c) stores, offices and restaurants designed for total occupant load of twenty (20) persons or less per structure, if not in conjunction with the building of two (2) or more such structures; (d) water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; and (e) accessory or appurtenant structures including garages, carports, patios, swimming pools and fences; and acquisition of utility easements.

1. Construction or alteration of:

- a. Storage sheds
- b. Workshops
- c. Greenhouses (10,000 square feet or less) and shadehouses (20,000 square feet or less)
- d. Booths and tents

2. Air conditioning and ventilating systems: Window units not to exceed recommended size for the room of 32,000 BTU, whichever is smaller. All normal maintenance and operations to be permitted.

3. Incinerators to be used only for the disposal of pathological materials, some of which may be contaminated by radionuclides. Capacity of incinerators to be not more than 175 lbs./hr. of animal or contaminated wastes. Incineration of radionuclides to comply with license issued by U.S. Nuclear Regulatory Commission. License specifies limits of emissions and ash content of radionuclides. Complete record is kept by UH Environmental Health and Safety Office on all receipts, transfers, uses and disposal of radioactive materials.



4. Antenna Systems: Receiving-only type antennas, 6 feet diameter or less dish antennas or 20 feet high or less vertical antennas.

D. Exemption Class #4: Minor alterations in the conditions of land, water, or vegetation.

1. Grubbing and mowing of landscaped and lawn areas

2. Planting of trees, other plants, and sod

3. Pruning of trees and shrubs

4. Cultivation, tillage, ridging, and land leveling preparations for agricultural purposes

5. Use of EPA and State Department of Agriculture approved pesticides and herbicides under the supervision of certified applicators for spot or test plot applications within specified areas on land owned, leased, or rented by the University, except on Mauna Kea, Haleakala, or other sensitive areas.

6. Stockpiling of up to 500 cubic yards of soil material.

E. 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. Gathering of soil, air, water, plant, animal, fish, mineral and other specimens for research, experimental, or instructional purposes. This item does not apply to: the gathering of threatened or endangered plant, animal or fish species; the importation of plant, animal or fish species; actions that detrimentally affect air or water quality and ambient noise level.

2. Historic, geographic, or demographic surveys

3. Topographic, land use, soils, and drainage surveys

4. Flora and fauna surveys

5. Environmental impact research

6. Horticultural, silvicultural and floracultural experiments within confined sites

7. Experimental and research projects with native flora and fauna, including within the Conservation District with the consent of DLNR and the respective county agencies, where applicable

8. Archaeological surveys supervised by a qualified archaeologist

9. Storage of flammable and combustible liquid to comply with OSHA regulations and not to exceed 5,500 gallons in approved storage facilities; floor area not to exceed 700 square feet. Storeroom to be equipped with automatic fire protection and 2-hour firewall.

10. Storage of radioactive materials. Storage to comply with U.S. Nuclear Regulatory Commission license issued to the University of Hawai'i. A complete record is kept of all radioactive material received.

F. Exemption Class #6: Construction or placement of minor structures accessory to existing accessory to existing facilities.

1. Construction or placement of:

- a. Ticket booths, tents, platforms, and toilets
- b. Pens, sheds, cages, tanks, and ponds
- c. Scoreboard, signs and flag poles
- d. Sculptures and statues
- e. Standby generators, panel boards, and switchboards
- f. Utilities and trash enclosures
- g. Water pumps and pipes, except at Mauna Kea, Haleakala, or other sensitive areas
- h. Lights to all walkways, roads, and exits
- i. Furnishings

2. Structures not to exceed 500 square feet floor area, one story and including all normal and usual types of electrical and plumbing systems.

3. Air conditioners and ventilating equipment: maximum capacity not to exceed 32,000 BTU

4. Within the building footprint and envelope (building perimeter and height) construction of additional building floor area limited to no more than 10% of the existing building floor area.

G. Exemption Class #7: Interior alterations involving such things as partitions, plumbing, and electrical conveyances.

1. Construction, repair, or removal of interior partitions

2. Modifications to interior plumbing, electrical, communication, and ventilating systems

3. Repairs or modifications to transformers, transmitters, panel boards and switchboards

4. Modifications to floors, ceilings, and roofs

5. Painting

6. Masonry and concrete work

H. Exemption Class #8: Demolition of structures not functional or economical to remodel and maintain, , except those structures located on any historic site as designated in the National Register or Hawai'i Register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. Section 470, as amended or Chapter 6, Hawai'i Revised Statutes.

I. Exemption Class #9: Zoning variances for storage of flammable and combustible materials except: use, density, height, parking requirements and shoreline set-back variances.

J. Exemption Class #10: Continuing administrative activities, such as purchases for supplies and personnel-related actions.

1. Purchase of supplies, services, and equipment for instruction, research, public service, and support functions of existing operations.

2. Performance of research, instruction, public service, and support functions in existing facilities.
3. Procurement and use of utility services, motor vehicles and maintenance equipment.
4. Receipt and storage of supplies and equipment.
5. Actions necessary to comply with Occupational Safety and Health Act and Title IX requirements.

## **IV. Delegation of Authority**

There is no policy specific delegation of authority.

## **V. Contact Information**

Office of the Vice President for Administration

Telephone: (808) 956-6405

Email: [vpadmin@hawaii.edu](mailto:vpadmin@hawaii.edu)

## **VI. References**

- A. Link to superseded Executive Policies in old format <https://www.hawaii.edu/policy/archives/ep/>
- B. Link to Administrative Procedures in old format <https://www.hawaii.edu/policy/archives/apm/sysap.php>

## **VII. Exhibits and Appendices**

No Exhibits and Appendices found

## **Approved**

Signed

David Lassner

October 31, 2014

Date

President

## **Topics**

No Topics found.

## **Attachments**

None