



# University of Hawaii at Manoa

Environmental Center  
Crawford 317 • 2550 Campus Road  
Honolulu, Hawaii 96822  
Telephone (808) 948-7361

Office of the Director

January 25, 1979

RR:0061

Mr. Donald Bremner, Chairman  
Environmental Quality Commission  
550 Halekauwila Street, Room 301  
Honolulu, Hawaii 96813

Dear Sir:

Proposed Exemption Lists  
City and County of Honolulu, Building Department  
City and County of Honolulu, Board of Water Supply  
State of Hawaii, Hawaii Housing Authority

The Environmental Center has reviewed the above cited exemption lists with the assistance of Charles Lamoureux, Botany; Jacquelin Miller and Marge Kimmerer of the Environmental Center.

Our reviewers have the following comments regarding the proposed exemption lists:

City and County of Honolulu  
Building Department

REVISED ITEMS  
Class 4:

1. Installation or replacement of above ground emergency liquid propane gas tanks and appurtenances at police, fire and ambulance stations and at City and County radio communication sites.

The requested exemption with the added explanatory comments regarding type, location and purpose of the tanks is appropriate, however, it does not fall within Class 4. We suggest that the exemption be granted under either Class 7, 2, or 3.

DEFERRED ITEMS  
Class 3:

2. Retaining wall less than 5 feet in height.

According to the Deputy Attorney General, L.K. Lau, (November 27, 1978), the applicability of an agency exemption to an applicant is uncertain at this time. In light of this uncertainty, the issuance of an exemption

for the construction of a retaining wall seems inappropriate unless considerable more specific information is provided. For example, the purpose, location, size, length, physical configuration and construction material should be included. The addition of the length limitation of 200 feet as indicated under the "comments" column is helpful but still insufficiently definitive. Otherwise, a private applicant could apply for a building permit to construct a retaining wall and receive an exempt determination regardless of possible significant environmental ramifications.

9. Fuel system.

This exemption when amended with the more descriptive comments is appropriate.

11. Heating, ventilation and AC system (interior and exterior).

Noise considerations would seem appropriate and we would prefer some recognition of their importance in the exemption, however, we would agree that from the precise legal standpoint the requested exemption should be approved under Class 3 as cited.

Class 4:

2. Chemical control of vegetation.

3. Chemical vegetation control.

The specifications previously cited are still deemed appropriate. Granting an exemption without such specifications as location, frequency areal extent and target vegetation is inappropriate in our judgement.

4. Clearing and grubbing.

5. Drainage ditch and swale.

Similar specification as in 2 and 3 above should be included in the requested exemptions. Particularly important are the methods to be used, locations and size of area or capacity of the ditch or swale.

Class 6:

1. Land-consolidation and subdivision.

The exemption with the amended specification comments is appropriate.

Class 7:

2. Fence and wall.

The exemption as requested is too broad. We suggest that the purpose, location, specific size, construction material and methods be included in the exemption request.

DISAPPROVED EXEMPTION PROPOSALS

Class 1:

1. Above ground emergency fuel tank replacement.

Amended as indicated with the specific comments, the requested exemption is appropriate under Class 3. It is not appropriate as described under Class 1, or Class 4.

Class 3:

3. Cesspool.

The construction of cesspools, because of their likely significant environmental effects, is inappropriate for exempt status.

Class 7:

1. Above ground emergency fuel tank.

Amended as indicated before with the specific comments, this requested exemption is appropriate either under Class 3 or Class 7.

12. Installation.

The intent or application of this requested exemption is unclear. If the exemption is to permit the construction of carports and storage sheds then it should so state. A rewrite of the intended exemption seems necessary not just an amendment incorporating the comments listed.

17. Radio antenna and radio towers.

We recognize the need and essential nature of effective public safety radio antennas and towers, however, their construction may create unanticipated significant environmental consequences that may also pose safety impacts of their own and certainly may result in visual impacts. For temporary antennas an exemption may well be appropriate. For permanent installations, an assessment should be prepared to assure proper considerations of the impacts of such structures on nearby facilities.

City and County of Honolulu  
Board of Water Supply

Class 4:

1. Any subdivision of our property to accommodate any State or City road improvement project.
2. Consolidation of existing parcels required over a period of time.

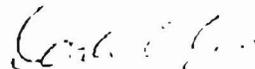
The explanation accompanying both of these requested exemptions indicates that the exempt actions requested are administrative or legal changes. The actual construction or alteration of the roads or land would be a separate action and would be subject to assessment by whatever agency was constructing the road or other structures. For this reason, we suggest that the exemption is appropriate under Class 6 not under Class 4.

State of Hawaii  
Hawaii Housing Authority

Our reviewers had no comments regarding Hawaii Housing Authority's proposed exemption lists.

Thank you for the opportunity to comment on these exemption lists.

Yours very truly,



Doak C. Cox,  
Director

DCC:lmk