TO: 1. Agency-Maintained Public Files for Chapter 343 HRS Exemption Determinations
2. Office of Environmental Quality Control
3. NAHASDA Program Office

FROM: Chairman of the Hawaiian Homes Commission

SUBJECT: Exemption Notice for Demolition/New Construction of a Single-Family Home at 835 Ekahi Avenue (reference-file # PO-21-189)

DATE: July 26, 2021

AGENCY OR APPLICANT ACTION

Check applicable box

☑ This exempted action is an agency action as defined by Section 343-5(b), Hawai‘i Revised Statutes (HRS), and Section 11-200.1-8, Hawai‘i Administrative Rules (HAR),

☐ This exempted action is an applicant action as defined by Section 343-5(e), HRS, and Section 11-200.1-9, HAR

EXEMPTION TYPE:

The Exemption Notice for the action described below is based on the general types enumerated in Section 11-200.1-15(c), Hawai‘i Administrative Rules (HAR), Exemption Type 1, 2.

As applicable, the exemption for the action described below is also supported by the Exemption List for the Department of Hawaiian Home Lands, reviewed and concurred to by the Environmental Council on April 6, 2021.

Part 1, Type 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. Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, clearing, grubbing, aerating, road clearing and patching, sweeping, removal of debris and other routine maintenance of the following agency maintained lands and facilities:
b. Streets, roads, highways, bike paths, pedestrian ways, trails, parking lots and appurtenances
e. Landscaped areas

3. Patching, resurfacing, striping and cleaning of pavement surfaces including, but not limited to, streets, roads, highways, pedestrian ways and walkways, bike paths, driveways, parking lots and appurtenances

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1 The proposed action is an exempt activity listed in part I of DHHL’s approved exemption list. Due to the scale and coordination requirements DHHL has determined that the action is not considered de minimis and requires an exemption declaration.
CHAPTER 343-EXEMPTION DECLARATION FOR 835 EKAHI AVENUE SFD PROJECT ON TMK 5-2-015:039 (PO-21-189)
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Part 1, 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.
1. Replacement, reconstruction, alteration, modification (no change in use), or installation of any building, structure, facility, equipment or utility, including, but not limited to:
a. Homestead residential dwellings and accessory structures such as garages and barns

DESCRIPTION OF ACTION
Proposing Agency or Applicant: Department of Hawaiian Home Lands, Land Management Division for NAHASDA
Project Name & Address/Location: 835 Ekahi Avenue, Ho‘olehua, HI 96729
Anticipated Start Date: 6/29/2021
Anticipated End Date: 6/29/2026
Island and District: Moloka‘i Ho‘olehua
Tax Map Key(s) and other geolocation means: 5-2-015:039
All Necessary Permits and Approvals: US Fish and Wildlife Technical Assistance, US Housing and Urban Development, State Historic Preservation Division, Planning Department – Construction Permits and Applications

NARRATIVE
Describe the action and why it qualifies for the exemption: The proposed undertaking is the demolition of a single family home (and associated utilities) and construction of a new single family residence (and associated utilities) at the same location at TMK 5-2-015:039.

RECEIVING ENVIRONMENT
Describe the site, including any impacts on the receiving environment: The project involves the demolition and construction of a new single family home on an existing residential lot. The surrounding area can be characterized as residential and agricultural.

ENVIRONMENTAL ANALYSIS
I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

- [x] Land Use and Zoning Conformance
- [ ] Traffic (Vehicles, Bicycles, Pedestrian)
- [ ] Infrastructure (Roads, Buildings, Utilities)
- [x] Air Quality Pollutant Emissions
- [ ] Noise Emissions
- [x] Solid, Hazardous, and Liquid Waste Management
- [ ] Social
- [ ] Economic
- [ ] Health and Safety
- [ ] Recreation
- [ ] Public Beach Access
- [x] Cultural Resources and Practices
- [ ] Visual/Aesthetic
- [ ] Environmental Justice

Not Applicable

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☐ Rare, Threatened, and/or Endangered Species
☐ Surface and Ground Water Resources
☐ Wetlands
☐ Floodplains
☐ Riparian/Coastal Resources
☐ Other

Comments/summary of impact analysis:

The project’s primary purpose is to demolish an existing single family home and construct a new single family home to provide safe and suitable housing for native Hawaiian beneficiaries in need of housing and shelter. The site is suitable for the proposed use and there are no adverse health or environmental conditions. The site is located outside of any floodplains, 3.2 foot sea-level-rise exposure area, and special management area as well as habitat for threatened, rare and/or endangered species. The project site does not include any riparian resources or other wetland features. The project site is designated as Agricultural by the State Land Use, and zoned Agriculture by the County of Maui. The project actions are consistent with activities allowed on lands with these designations.

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with HUD Airport Hazards requirements. The closest airport is the Moloka‘i Airport (MKK) approximately 2.1 miles away. MKK is part of the State of Hawaii Airport System and is owned and operated by the State of Hawaii Department of Transportation (DOT).

The project is modernization or minor rehabilitation of an existing residential property. A Preliminary Screening was performed, and found the following: The project is within 3 miles of MKK, near Route 480. Based airport noise contours map, the project is located outside area of impact for airport noise (under Ldn level 55). A cumulative noise impact assessment resulted in combined day/night noise level for the project site of approximately 56 decibels. This is below the acceptable noise exposure limit of 65 decibels.

The EJSCREEN Report for the one-mile ring surrounding the project sites as provided by the DOH is included and notes that the project site rates high in one of the eleven environmental indexes for State, EPA region, and national percentiles, lead paint. The report also notes that there are currently no Superfund sites or hazardous waste treatment, storage, or disposal facilities located within the EJSCREEN search area. The proposed single-family home rehabilitation is in line with the DHHL’s ability to carry out their core mission, which is to manage the Hawaiian Home Lands trust effectively and to develop and deliver lands to native Hawaiians, while partnering with others towards developing self-sufficient and healthy communities. The long-term result will enhance the social fabric and well-being of Molokai to positively contribute to Hawai‘i’s social and economic well-being. As such the notion of environmental justice has been evaluated and the project will not in any way create discrimination or isolation of minority or low-income individuals based on the siting or purpose of the project. The project will provide critical repairs for a Native Hawaiian beneficiary’s residence. The site is suitable for the proposed use and there are no adverse health or environmental conditions that would disproportionately affect minority or low-income persons in comparison to the rest of the population.

MITIGATION
Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion:

DHHL, the lessee, and their respective contractors shall comply with all County, State, and Federal permit and approval requirements.

The project will generate short-term construction related fugitive dust and noise impacts during construction. Best management practices need to be employed to reduce dust emissions. DHHL, the lessee, and their respective contractors shall comply with HAR 11-46 relating to community noise control.
Although no Federal or State of Hawaii listed Threatened, Endangered, or Candidate plant or wildlife species or their habitats were found on the site, DHHL has conferred with the US Fish and Wildlife Service on the matter. The proposed project will minimize potential impacts through implementing the following mitigation measures.

Hawaiian Hoary Bat (Lasiurus cinereus semotus) To avoid and minimize impacts to the endangered Hawaiian hoary bat the following mitigation measures will be taken:
- Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat birthing and pup rearing season (June 1 through September 15).
- Do not use barbed wire for fencing.

Hawaiian petrel (Pterodroma sandwichensis), Threatened Newell’s shearwater (Puffinus auricularis newelli), and Endangered Hawai’i Distinct Population Segment of the band-rumped storm petrel (Oceanodroma castro) To avoid and minimize potential project impacts to seabirds the following mitigation measures will be taken:
- Fully shield all outdoor lights so the bulb can only be seen from below.
- Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.
- Avoid nighttime construction during the seabird fledging period, September 15 through December 15.

Nēnē (Hawaiian goose, {Branta (Nesochen) sandvicensis}) To avoid and minimize potential project impacts to nēnē the following mitigation measures will be taken:
- Do not approach, feed, or disturb nēnē.
- If nēnē are observed loafing or foraging within the project area during the breeding season (September through April), have a biologist familiar with nēnē nesting behavior survey for nests in and around the project area prior to the resumption of any work. Repeat surveys after any subsequent delay of work of 3 or more days (during which the birds may attempt to nest).
- Cease all work immediately and contact the Service for further guidance if a nest is discovered within a radius of 150 feet of proposed project, or a previously undiscovered nest is found within the 150-foot radius after work begins.
- In areas where nēnē are known to be present, post and implement reduced speed limits, and inform project personnel and contractors about the presence of endangered species on-site.

Blackburn’s sphinx moth (Manduca blackburni) To avoid and minimize potential project impacts to the Blackburn’s sphinx moth, the following mitigation measures will be taken:
- A biologist familiar with the species should survey areas of proposed activities for Blackburn’s sphinx moth and its larval host plants prior to work initiation.
- Surveys should be conducted during the wettest portion of the year (usually November-April or several weeks after a significant rain) and within 4-6 weeks prior to construction.
- Surveys should include searches for adults, eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage).
- If moths, eggs, or larvae, or native aea or tree tobacco over 3 feet tall, are found during the survey, please contact the Service for additional guidance to avoid impacts to this species.
- If no Blackburn’s sphinx moth, aea, or tree tobacco are found during surveys, the following measures will be taken to avoid attraction of Blackburn’s sphinx moth to the project location and prohibit tree tobacco from entering the site.
- Remove any tree tobacco less than 3 feet tall. (Tree tobacco can grow greater than 3 feet tall in approximately 6 weeks. If it grows over 3 feet, the plants may become a host plant for Blackburn’s sphinx moth.)
- Monitor the site every 4-6 weeks for new tree tobacco growth before, during, and after the proposed ground-disturbing activity.
- Monitoring for tree tobacco can be completed by any staff, such as groundskeeper or regular maintenance crew, provided with picture placards of tree tobacco at different life stages.

Lead-based paint (LBP) was detected on building components of the dwelling. Paint-lead and dust-lead hazards were also identified. Soil-lead hazards were not identified. To minimize exposure to lead, some or all of the following hazard control options may be implemented.
- Stabilize the paint film by removing the paint in poor condition and applying a new coat of paint. The work must be performed by a US EPA Lead Renovation, Repair, and Painting certified contractor.
- Deleading of all lead-based painted surfaces to structural substrate. This work must be performed in accordance with Hawaii Administrative Rule 11-41, Lead-based Paint Activities. A Hawaii-certified lead contractor must perform this work.
Because several building components have LBP, the condition of the paint throughout the interior and exterior of the dwelling should be visually monitored regularly for deterioration until the structure is demolished. Any failing paint should be immediately addressed by approved lead-safe techniques.

CONSULTATION
The following parties have been consulted about regarding this project:
- U.S. Fish and Wildlife Service, March 2021
- Department of Land and Natural Resources (DLNR)- State Historic Preservation Division, April 2021
- Ahonui Homestead Association, January 2021
- Ahupua’a o Moloka‘i, January 2021
- Kupeke Ahupua’a, January 2021
- Office of Hawaiian Affairs (OHA), January 2021
- Sovereign Council of Hawaiian Homestead Associations, January 2021

Information from the following agencies was collected from their digital reference materials between January 2021 and April 2021.
- County of Maui Planning Department
- State Department of Agriculture
- DLNR
- Department of Health, Clean Water Branch
- Federal – U.S. Census Bureau
- USDA, National Resources Conservation Service
- Federal Emergency Management Agency
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EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawai‘i Revised Statutes and Chapter 11-200.1, Hawai‘i Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the requirement to prepare an environmental assessment.

William J. Aila, Jr., Chairman  
Hawaiian Homes Commission

Date

☐ This document is on file in our office and is available for public review.
☐ This document has been submitted to the Office of Environmental Quality Control for publication in The Environmental Notice.

Attachments –
Figure – Project Area and APE
Figure – Critical Habitats
Figure – Distance to Airport
Figure – FEMA FIRM Map
Figure – Air Quality
Figure – Nearby Contamination and Toxic Substances
Figure – Wetlands
Figure – EI Screen Report
<table>
<thead>
<tr>
<th>Action Name</th>
<th>Demolition/New Construction of SF home at 835 Ala Ekahi Street TMK (2)5-2-015:039</th>
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<td>Exemption notice</td>
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<td><strong>HRS §343-5(a) Trigger(s)</strong></td>
<td>(1) Propose the use of state or county lands or the use of state or county funds</td>
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<td><strong>Judicial district</strong></td>
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<td><strong>Proposing/determining agency</strong></td>
<td>DHHL</td>
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<tr>
<td><strong>Agency contact name</strong></td>
<td>Malia Cox</td>
</tr>
<tr>
<td><strong>Agency contact email (for info about the action)</strong></td>
<td><a href="mailto:malia.m.cox@hawaii.gov">malia.m.cox@hawaii.gov</a></td>
</tr>
<tr>
<td><strong>Email address or URL for receiving comments</strong></td>
<td><a href="mailto:malia.m.cox@hawaii.gov">malia.m.cox@hawaii.gov</a></td>
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<tr>
<td><strong>Agency contact phone</strong></td>
<td>(808) 620-9500</td>
</tr>
<tr>
<td><strong>Agency address</strong></td>
<td>91-5420 Kapolei Parkway</td>
</tr>
<tr>
<td></td>
<td>Kapolei, HI 96707</td>
</tr>
<tr>
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<td><strong>Was this submittal prepared by a consultant?</strong></td>
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<td><strong>Action summary</strong></td>
<td>The proposed action is the demolition of a single family home (and associated utilities as required) and construction of a new single family home (and associated utilities as required) at the same location on</td>
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### Attached documents (signed agency letter & EA/EIS)

- [PO-21-189-Arca-demo-rebuild-hooluhua-SIGNED-exemption-declaration.PDF](#)

### Authorized individual

Malia Cox

### Authorization

- The above named authorized individual hereby certifies that he/she has the authority to make this submission.
Distance to Airport
National Flood Hazard Layer FIRMette

FEMA FIRM Map
Nearby Contamination and Toxic Substances

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riparian
EJSCREEN Report (Version 2019)

1 miles Ring Centered at 21.171135,-157.060460, HAWAII, EPA Region 9
Approximate Population: 615
Input Area (sq. miles): 3.14

<table>
<thead>
<tr>
<th>DHHL Acre</th>
<th>EPA Region Percentile</th>
<th>USA Percentile</th>
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<td>Selected Variables</td>
<td>State Percentile</td>
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<table>
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<th>EJ Indexes</th>
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<th>USA Percentile</th>
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<td>EJ Index for NATAs Air Toxics Cancer Risk</td>
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<td>EJ Index for NATAs Respiratory Hazard Index</td>
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<td>42</td>
<td>65</td>
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<td>EJ Index for Traffic Proximity and Volume</td>
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<td>EJ Index for Lead Paint Indicator</td>
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<td>EJ Index for Superfund Proximity</td>
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<td>EJ Index for Wastewater Discharge Indicator</td>
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EJ Index for the Selected Area Compared to All People's Blockgroups in the State/Region/US

This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

December 08, 2022
**EJSCREEN Report (Version 2019)**

1 miles Ring Centered at 21.171135, -157.060460, HAWAII, EPA Region 9

Approximate Population: 615

Input Area (sq. miles): 3.14

**DHHL Arce**

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**Sites reporting to EPA**

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<td>Superfund NPL</td>
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<tr>
<td>Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)</td>
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December 08, 2020
### Environmental Indicators

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<th>State Avg.</th>
<th>%ile in State</th>
<th>EPA Region Avg.</th>
<th>%ile in EPA Region</th>
<th>USA Avg.</th>
<th>%ile in USA</th>
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<td>Particulate Matter (PM 2.5 in μg/m³)</td>
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<td>N/A</td>
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<td>9.21</td>
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<td>Ozone (ppb)</td>
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<td>N/A</td>
<td>N/A</td>
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<td>NATA Diesel PM (μg/m³)</td>
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<td>0.479</td>
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<td>NATA Cancer Risk (lifetime risk per million)</td>
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<td>14</td>
<td>1</td>
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<td>&lt;50th</td>
<td>32</td>
<td>&lt;50th</td>
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<td>NATA Respiratory Hazard Index</td>
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<td>0.53</td>
<td>&lt;50th</td>
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<td>Traffic Proximity and Volume (daily traffic count/distance to road)</td>
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<td>Lead Paint Indicator (% Pre-1980 Housing)</td>
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<td>30</td>
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<td>6</td>
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<td>Superfund Proximity (see count/km distance)</td>
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<td>RMP Proximity (facility count/km distance)</td>
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<td>Wastewater Discharge Indicator (toxicity-weighted concentration/m²)</td>
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<td>1.5</td>
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### Demographic Indicators

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<th>Value</th>
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<th>%ile in State</th>
<th>EPA Region Avg.</th>
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<th>USA Avg.</th>
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<td>51%</td>
<td>92</td>
<td>47%</td>
<td>80</td>
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<td>Minority Population</td>
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<td>78%</td>
<td>73</td>
<td>59%</td>
<td>83</td>
<td>39%</td>
<td>90</td>
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<tr>
<td>Low Income Population</td>
<td>45%</td>
<td>24%</td>
<td>89</td>
<td>34%</td>
<td>70</td>
<td>33%</td>
<td>73</td>
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<tr>
<td>Linguistically Isolated Population</td>
<td>3%</td>
<td>0%</td>
<td>48</td>
<td>8%</td>
<td>35</td>
<td>4%</td>
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<tr>
<td>Population With Less Than High School Education</td>
<td>8%</td>
<td>8%</td>
<td>62</td>
<td>17%</td>
<td>37</td>
<td>13%</td>
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<tr>
<td>Population Under 5 years of age</td>
<td>7%</td>
<td>6%</td>
<td>66</td>
<td>6%</td>
<td>62</td>
<td>6%</td>
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<tr>
<td>Population over 65 years of age</td>
<td>18%</td>
<td>17%</td>
<td>58</td>
<td>14%</td>
<td>76</td>
<td>15%</td>
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* The National-Scale Air Toxics Assessment (NATA) is EPA’s ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: [https://www.epa.gov/national-air-toxics-assessment](https://www.epa.gov/national-air-toxics-assessment).

For additional information, see: [www.epa.gov/environmentaljustice](http://www.epa.gov/environmentaljustice)
TO: FILE

FROM: Malia M. Cox, Planner

SUBJECT: Clerical correction to the exemption declaration reference file # PO-21-189

Compliance with Chapter 343 was conducted for the physical location 835 Ala Ekahi Street with TMK (2) 5-2-015:039. Based on DHHL’s evaluation, and exemption declaration was prepared for (2) 5-2-015:039 by PO staff, Malia Cox, reviewed by PO Manager Andrew Choy and signed by Chairman J. William Aila, Jr. It was noted prior to submission to OEQC that the address was input incorrectly. The address associated with TMK (2) 5-2-015:039 is 835 Ala Ekahi Street. However, the exemption declaration and associated documents identified the address as 835 Ekahi Avenue. The actual physical location of the project did not change. This serves as a correction to the record and will be attached to the exemption declaration.