

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 24, 2013

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Maui

Cancellation of Revocable Permit No. S-7550 to Anna Marie Palomino and Donald Rowen Bowker (dba. Ho'olawa Farms), and Request to Waive Level One (1) Hazardous Waste Evaluation Requirement, Hoolawa, Hamakualoa, Makawao, Maui, Tax Map Key: (2) 2-9-001:033.

PURPOSE:

Cancellation of Revocable Permit No. S-7550 to Anna Marie Palomino and Donald Rowen Bowker (dba. Ho'olawa Farms) and waiver of Level One (1) Hazardous Waste Evaluation requirement.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Hoolawa, situated at Hamakualoa, Makawao, Maui, identified by Tax Map Key: (2) 2-9-001:033, as shown on the attached map labeled Exhibit #1.

AREA:

1.7 acres, more or less.

ZONING:

State Land Use District:           Agriculture  
County of Maui CZO:            Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Revocable Permit No. S-7550. Tenant requesting to cancel existing month-to-month revocable permit.

EXHIBITS:

Exhibit #1: TMK map of the subject area.  
Exhibit #2: Letter from Ms. Anna-Marie Palomino requesting termination of permit.  
Exhibit #3: Final inspection report.

CHARACTER OF USE:

General Agriculture purposes.

COMMENCEMENT DATE:

May 1, 2010

MONTHLY RENTAL:

\$28.00 per month.

COLLATERAL SECURITY DEPOSIT:

\$56.00

REMARKS:

On December 1, 1989 under agenda Item F-1-a, the Board of Land and Natural Resources approved the issuance of a month-to-month revocable permit (S-6690) to Anna-Marie Miller and Donald Bowker, dba. Ho'olawa Farms for General Agriculture purposes.

In April of 2001, Anna-Marie Miller requested a change of name for the existing permit due to divorce. The name change was granted as requested to reflect tenancy as Anna-Marie Palomino and Donald Rowen Bowker.

On May 1, 2010, due to changes and new updated requirements, revocable permit No. S-6690 was replaced by permit No. S-7550 to Anna Palomino and Donald Rowen Bowker for General Agriculture purposes.

On April 8, 2013 the Maui District Land Office received a written request from Ms. Anna-Marie Palomino on behalf of herself and Mr. Donald R. Bowker, dated April 3, 2013 to terminate their current revocable permit (RP-S-7550). Ms. Palomino indicated that they had purchased a property closer to the central area and had moved their farming operations from the Hoolawa area to their private property. Therefore, they no longer required the use of the subject State parcel for their farming operation.

A final inspection of the property was conducted on April 23, 2013. During this inspection, the property was found to be clean and clear of trash, and solid waste materials. Per Ms. Palomino, no hazardous materials or poisons were utilized or stored on the property.

Based on our observations and inspection results of the property during the final inspection and the designated character of use of revocable permit No. S-7550, staff recommends that the Level One (1) Hazardous Waste Evaluation requirement be waived.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit No. S-7550 per the request of the permittee in the manner specified by law;
2. Waive requirement for a Level One (1) Hazardous Waste Evaluation.

Respectfully Submitted,



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Daniel Ornellas, District Land Agent

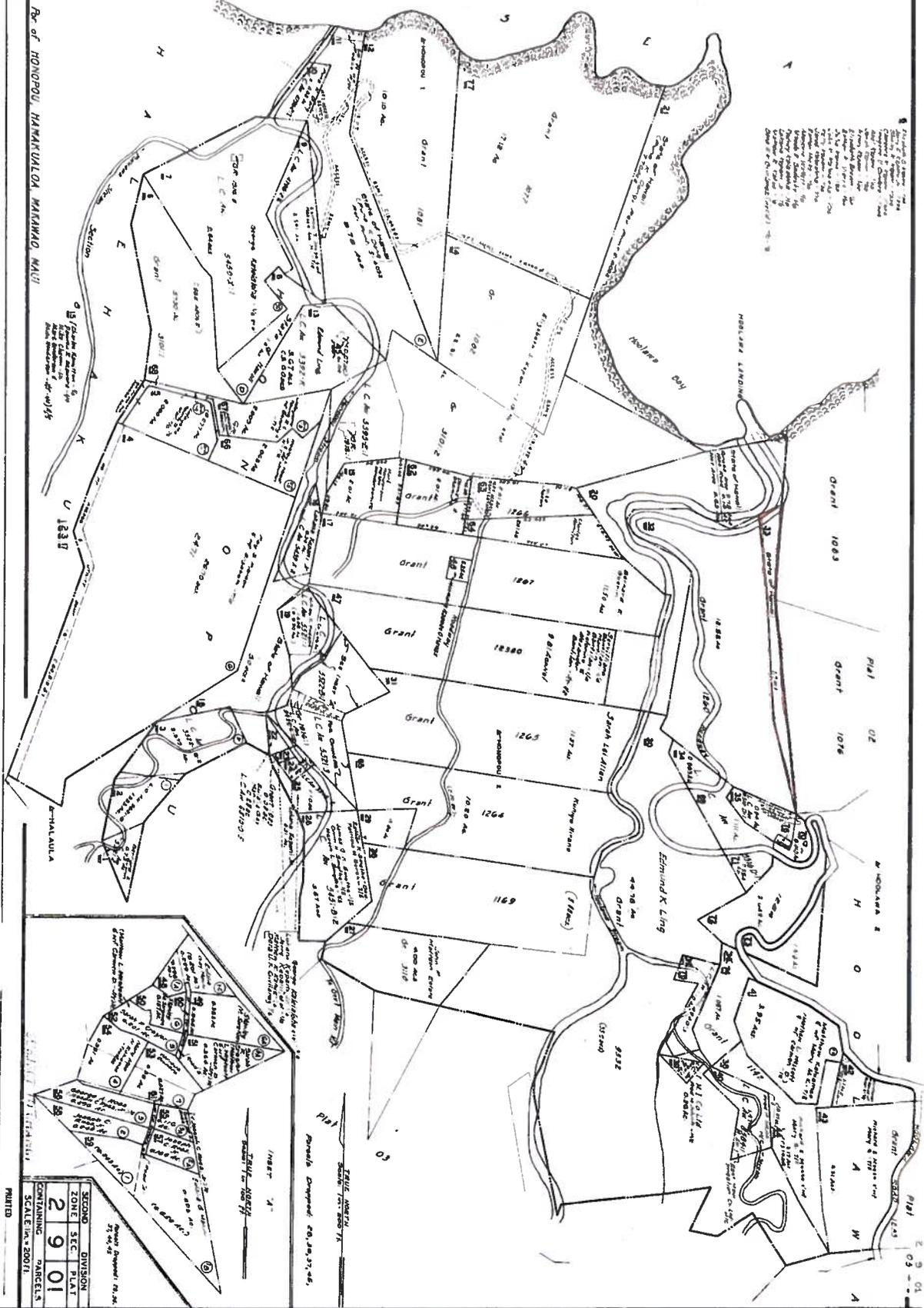
APPROVED FOR SUBMITTAL:



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William J. Aila, Jr., Chairperson





PRINTED  
 SCALE 1" = 200 FT.  
 DIVISION  
 ZONE SEC. PLAT  
 2 9 01  
 CONTAINING PARCELS  
 27-44-45  
 27-44-46

Ho'olawa Farms Inc.  
A Native Plant Nursery

April 3, 2013

Daniel Ornellas  
District Land Agent  
Department of Land and Natural Resources  
54 South High St. Rm. 101  
Wailuku, HI 96793

Haiku Maui Hawaii 96708

F 808 575 5379

Re: Termination of Revocable Lease

Dear Mr. Ornellas,

I am writing on behalf of myself and Donald R. Bowker who has had a revocable lease in Huelo for many years. We would like to terminate this lease so we can concentrate our efforts closer to the Haiku area.

I look forward to meeting with you Tuesday, April 23 at 10 am to walk through and inspect the area.

Sincerely,

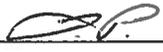


Anna Palomino

EXHIBIT "2"

**INSPECTION REPORT**  
Intensive Ag/Special Livestock/Pasture/Commercial Timber  
**FINAL INSPECTION**

**General Information**

Document Number: GLS \_\_\_\_\_ or RPS 7550 Character of Use: Agriculture  
 Inspection Date: 4/23/2013 Inspection Time: 10:00am Land Agent: L. Pacheco 

**TENANT INFORMATION**

Name: Ann-Marie Palomino & Donald Rowen Bowker Home Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Business Phone: \_\_\_\_\_  
 Haiku, HI. 96790 Fax: \_\_\_\_\_  
 Contact Person: Ann-Marie Palomino Contact Phone: \_\_\_\_\_

**SITE INFORMATION**

TMK: (2) 2-9-001:033 Area: 1.700 Acres  
 Site Address: Hoolawa, Hamakualoa, Makawao, Maui, Hawaii

**FISCAL INFORMATION**

ITEM	NOT APPLICABLE	CURRENT = COMPLIANCE	DEFAULT = NON-COMPLIANCE
Rent		X - \$336.00 annually	
Liability Insurance		X - Exp. 10/19/2013	
Fire Insurance	X		
Bond		X - \$44.00	
Mortgage	X		

**EXHIBIT " 3 "**

**ANNUAL INSPECTION REPORT**  
**Intensive Ag/Special Livestock/Pasture/Commercial Timber**

**File Review**

**LICENSES/PERMITS/CONSENTS**

ITEM	DLNR Approval Docs in File			COMMENTS/NOTES/LISTS
	N/A	YES	NO	
Removal of Minerals/Waters		x		
Prehistoric/Historic Remains	x			
Cutting/Removal of Trees		x		As needed for agriculture purposes.
Hazardous Material Storage/Use	x			
Subletting	x			
Improvement Construction Buildings	x			No buildings or structures were observed within the permit area.
Improvement Construction Other structures	x			No construction or improvements were located within the Permit area.
Conservation Plan				No Conservation Plan.

**Field Inspection**

ITEM	CRITERIA FOR COMPLIANCE	MEETS COMPLIANCE			COMMENTS/NOTES
		N/A	YES	NO	
Subletting	consents approved use adheres to lease purpose	x			No subletting reported or observed.
Buildings / Residences: roof, paint, exterior, interior	clean, sanitary, orderly suitable & well maintained DLNR construction consent adheres to completion schedule *check for hazardous materials	x			No improvements were located or observed within the RP area.
Structures: roads, walkways, fence lines, pipelines, others	cross check w/ conservation plan clean, sanitary, orderly well maintained adheres to completion schedule *check for hazardous materials		x		There is a fence line on the mauka side of the subject parcel which has been erected on the privately owned neighboring property to the east. No other improvements were found within the permit area.
Conservation Plan: conservation structures and plantings	adheres to plan map & schedule well maintained	x			A Conservation Plan was not required for this disposition.

Premises	clean, sanitary, orderly		x		The property was found to be clean and orderly.
Hazardous Material Storage / Use	controlled and adheres to consent	x			No hazardous materials were observed on the property.
Character of Use	adheres to lease purpose		x		The property was being utilized in accordance to the permit's designated character of use.
Phase 1 Environmental Site Inspection	as required in General Lease or Revocable Permit		x		A Phase 1 Environmental Site Inspection is a condition of this permit. MDLO will be requesting to waive this requirement. Final inspection revealed that the property was utilized for agriculture purposes only and therefore a Phase 1 Evaluation isn't necessary.
Other	The tenant has indicated that there is still palms and various plants of value still growing within the property. She stated that they will be leaving these plants in place and will hopefully benefit any future tenant.				

Photos taken: 4/23/2013



Top upper corner of the subject parcel and permit area.



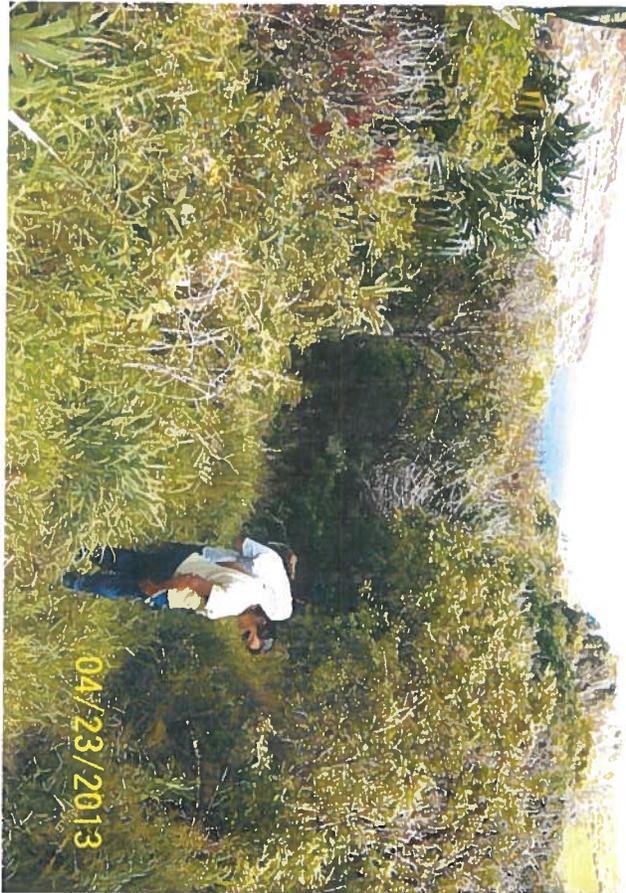
RP-7550, Final Inspection Report



Photos 2, 3, & 4 of Coconut trees and Manilla Palms still within the subject property. These trees were formerly part of the Hoolawa Farms inventory.



Photos taken: 4/23/2013



RP-7550, Final Inspection Report

