

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

August 9, 2013

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

Maui

Cancellation of Revocable Permit No. S-7510 to Mary Jane Mau, and Request for Waiver of Level One (I) Hazardous Waste Evaluation Requirement, Keokea, Kula, Makawao, Maui, Tax Map Key:(2) 2-2-003:001.

PURPOSE:

Cancellation of Revocable Permit No. S-7510, to Mary Jane Mau and Waiver of Level One (1) Hazardous Waste Evaluation Requirement.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Keokea situated at Kula, Makawao, Maui, identified by Tax Map Key: (2) 2-2-003:001, as shown on the attached map labeled Exhibit A.

AREA:

1.291 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: Yes \_\_\_ NO x

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE OF PERMIT:

Commenced on: March 1, 2010.

MONTHLY RENTAL:

\$13.00

REMARKS:

Pursuant to a Land Board approval of October 12, 1990 under item F-1-c, Mary Jane Mau was issued Revocable Permit S-6736. The applicant's husband, Phillip L. Mau had previously encumbered the subject parcel by means of Revocable Permit S-5118 from March 1, 1975 through November 30, 1990 for pasture purposes. Mr. Mau deceased on September 5, 1990. After his death, Ms. Mau continued to utilize and maintain the property in accordance with the authorized and designated character of use.

A replacement Revocable Permit S-7510 was issued to Mary Jane, effective the date March 1, 2010 due an update to contract language for the use of State land. Included in the terms of this agreement was a requirement for execution of a Level One (1) Hazardous Waste Evaluation and complete abatement and disposal (if necessary) prior to termination of the subject permit.

On July 12, 2013 the Maui District Land office received a call from Ms. Mau, requesting to cancel her permit for the use of the subject property. She indicated that due to her age she was no longer able to pasture animals and maintain the parcel and therefore she would like to cancel her permit. On July 17, 2013, staff met with Ms. Mau to conduct a final inspection of the property. During this meeting, a written request was submitted by Ms. Mau for the cancellation of Revocable Permit S-7510 (labeled as Exhibit B). Staff conducted the final inspection the premises and found it to be in a clean and acceptable condition. Refer to Exhibit C, Final Inspection Report.

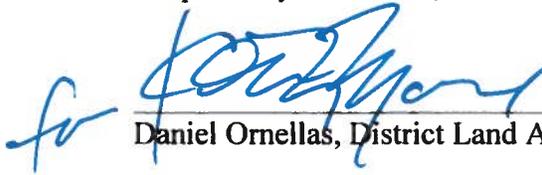
Upon advising Ms. Mau of the requirement to conduct a Phase 1 Environmental Site Inspection, she related that the property was only used for pasturing of goats throughout the duration of her permit and no hazardous materials were ever introduced to the area. She further related that as an elderly widow on a fixed income, it would be very difficult for her to afford such services. She then requested to have the Phase 1 inspection waived due to the financial burden it would create for her.

Therefore, based on the request of the permittee, and findings at the time of the final inspection, the district office agrees that due to the previously approved use of Pasture Purposes, the Level (1) One Hazardous Waste Evaluation should be waived. Staff is further requesting Board approval for the cancellation of the Permit effective the date of August 12, 2013 (25 days from date of written notification from Ms. Mau).

RECOMMENDATION: That the Board:

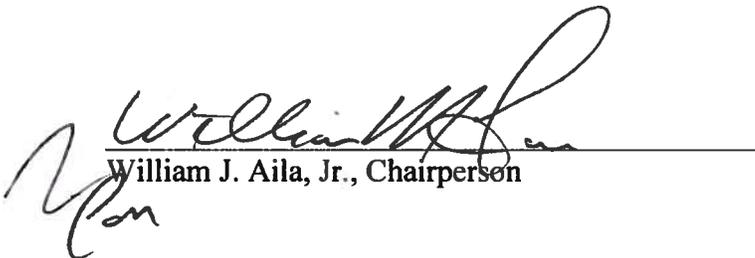
1. Authorize the cancellation of Revocable Permit No. S-7510 per the request of the permittee in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-7510 to be applied to any past due amounts;
3. Terminate the permit and all rights of Permittee and all obligations of the Permitter effective as of August 12, 2013, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease to survive cancellation shall endure past such cancellation date until duly fulfilled, and further provided that Permitter reserves all other rights and claims allowed by law;
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable Permit No. S-7510, and to pursue all other rights and remedies as appropriate; and
5. Waive requirement for a Level One (1) Hazardous Waste Evaluation.

Respectfully Submitted,

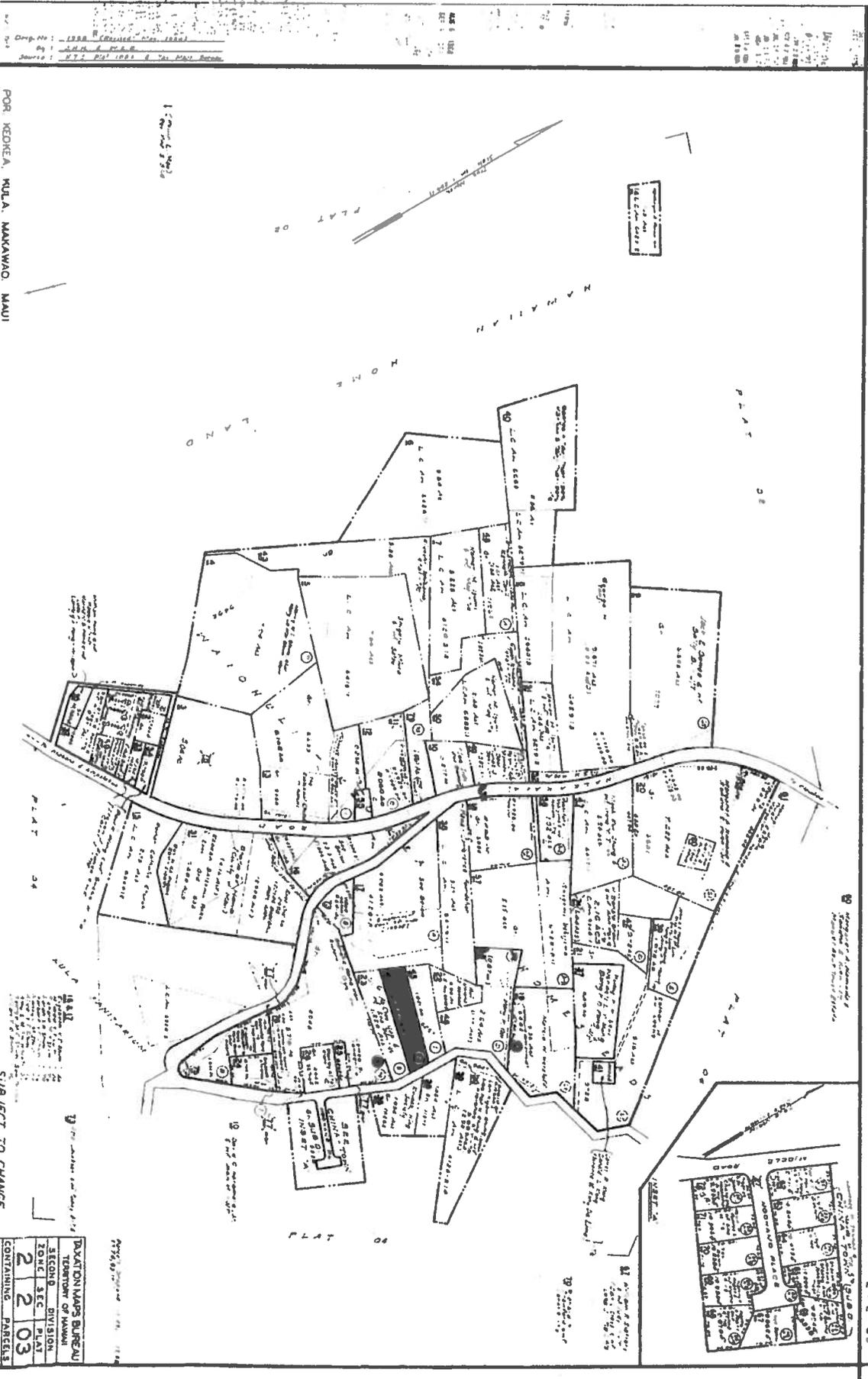


Daniel Ornellas, District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



FOR KEONEA, KULA, MAUI

SUBJECT TO CHANGE

DIXON MAPS BUREAU			
TERRITORY OF MAUI			
SECOND	DIVISION	PLAT	
ZONE	SEC	PLAT	
2	2	03	
CONTAINING PARCELS			
SCALE 1/4" = 100 FT			

To: Mr Daniel Ornellas,

July 17, 2013

I am writing to inform you that I would like to cancel my month to month revocable permit # S-7510. Due to my current age, I am no longer able to manage and pasture animals on the subject property.

Thank you for allowing me to have leased this property for all these years.

Thank you,

Mary Ann V. Mau

RECEIVED  
MAUI DISTRICT  
LAND DIVISION

2013 JUL 17 PM 2:11

EXHIBIT "B"

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

**FINAL INSPECTION**

**General Information**

Document Number: GLS \_\_\_\_\_ or RPS 7510 Character of Use: Pasture Purposes  
 Inspection Date: 7/17/2013 Inspection Time: 11:00 am Land Agent: L. Pacheco 

**TENANT INFORMATION**

Name: Mary Jane Mau Home Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Business Phone: \_\_\_\_\_  
Kula, HI 96790 Fax: \_\_\_\_\_  
 Contact Person: Mary Jane Mau Contact Phone: \_\_\_\_\_

**SITE INFORMATION**

TMK: (2) 2-2-003:001 Area: 1.291 acres  
 Site Address: Keokea, Kula, Makawao, Hawaii

**FISCAL INFORMATION**

ITEM	NOT APPLICABLE	CURRENT = COMPLIANCE	DEFAULT = NON-COMPLIANCE
Rent		X Annual \$156.00	
Liability Insurance		X State Farm: 5/5/2014	
Fire Insurance	X		
Bond		X \$26.00 Sec. deposit	
Mortgage	X		

**EXHIBIT "C"**

**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			No water source on property.
Prehistoric/Historic Remains	x			
Cutting/Removal of Trees		x		For maintenance purposes
Hazardous Material Storage/Use	x			
Subletting			x	No subletting allowed
Improvement Construction Buildings			x	
Improvement Construction Other structures			x	
Conservation Plan	x			No conservation plan submitted with this permit.

**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 taking place.
Buildings / Residences: roof, paint, exterior, interior	clean, sanitary, orderly suitable & well maintained DLNR construction consent adheres to completion schedule *check for hazardous materials		x		There is an old structure on the parcel which at one time was used as a storage shed. It was later worked on and used as a temporary dwelling by the tenant's son. There are no utilities designated to this structure. Water and electricity was provided via the tenant's private property. The structure is constructed of plywood and lumber and although fairly clean it appears that structurally it is in disrepair due to its age. (per tenant, the structure is over 50 years old). Recommendation would be that the structure be only used for storage purposes if a new disposition is issued for this property.

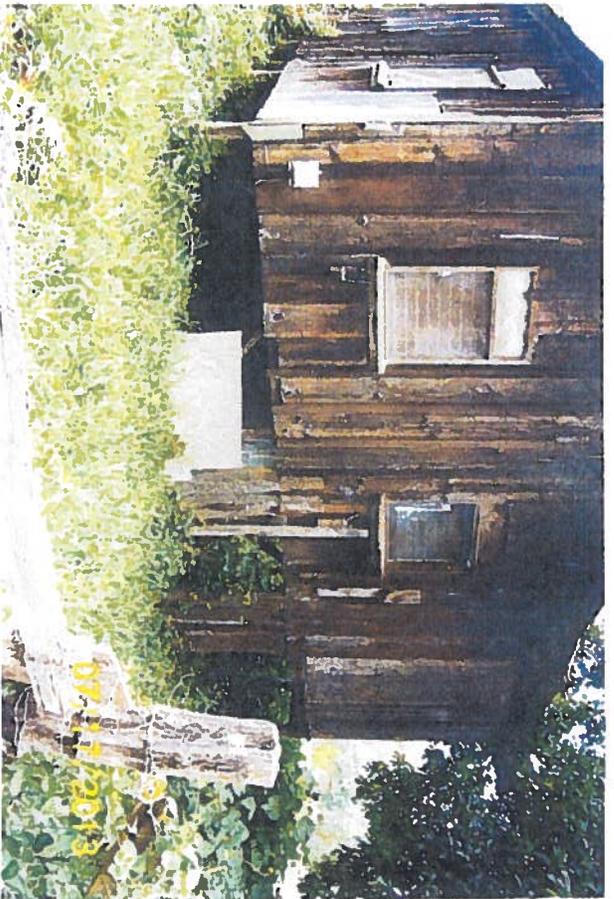
ITEM	CRITERIA FOR COMPLIANCE	MEETS COMPLIANCE			COMMENTS/NOTES
		N/A	YES	NO	
Structures: roads, walkways, fence lines, pipelines, others	cross check w/ conservation plan clean, sanitary, orderly well maintained adheres to completion schedule *check for hazardous materials		x		The property is completely fenced and it also includes several separated paddock areas within the parcel. No trash or solid waste materials were observed on the parcel.
Conservation Plan: conservation structures and plantings	adheres to plan map & schedule well maintained	x			A conservation plan was never required or submitted for this disposition.

Premises	clean, sanitary, orderly		x		The property was found to be clean and orderly. Mrs. Mau indicated that all remaining items in the wooden structure to include the mattress would be removed and properly disposed of.
Hazardous Material Storage / Use	controlled and adheres to consent	x			No hazardous materials observed on the premises.
Character of Use	adheres to lease purpose		x		The property was used for pasturing purposes and in accordance with the designated character of use.
Phase 1 Environmental Site Inspection	as required in General Lease or Revocable Permit	x			Maui District Land Office has conducted a thorough site inspection of the premises and will be requesting a waiver of Additional Condition #14 which requires the permittee to conduct a Phase 1 Environmental Site Assessment.
Other	<b>Structure:</b> Per Mrs. M. Mau, the subject structure was constructed on the property many years prior to her family's applying for and use of the property. She has no intention or need for the small structure. It may be used as an accessory to the property for any future tenant. The structure should be utilized for storage purposes only for any future dispositions.	x			

Photos taken: 7/17/2013



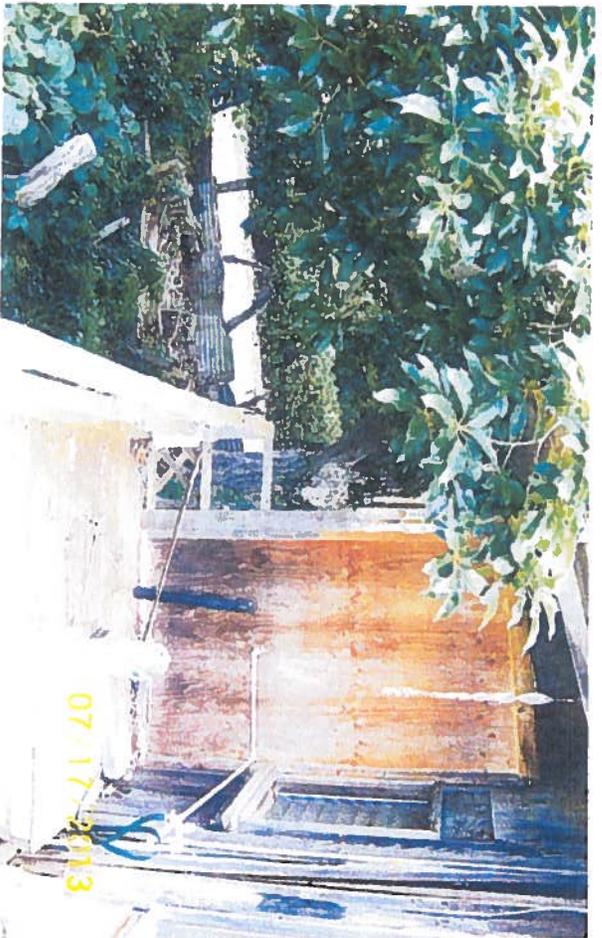
Mary Jane Mau, RP 7510



Photos of a wooden structure which is located at the northern corner of the subject property. Note that this structure existed on the property before the Mau family was granted a permit for use of the parcel.



Photos taken: 7/17/2013



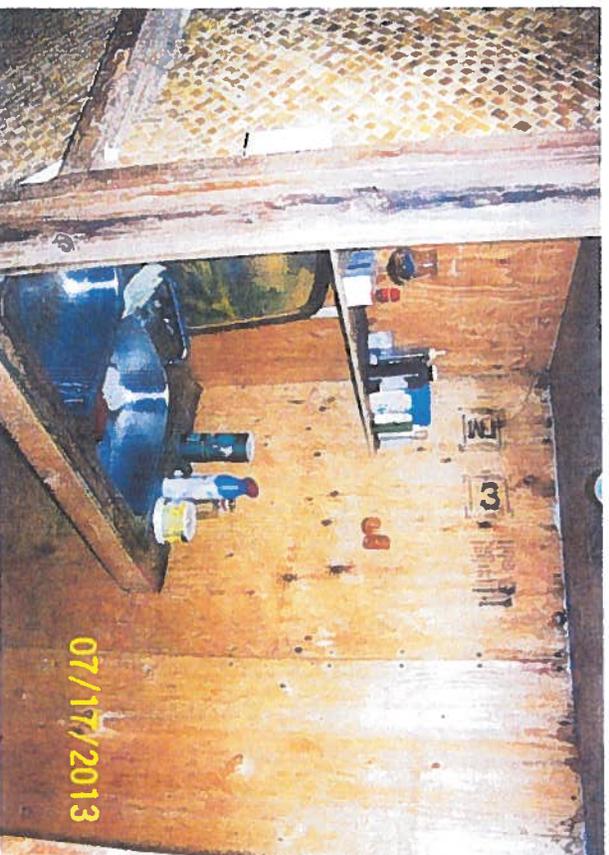
View of back porch area of the wooden structure. Water to the structure was routed via a tap in from the Mau's private property. There is no water source for this structure or parcel.



Mary Jane Mau, RP 7510



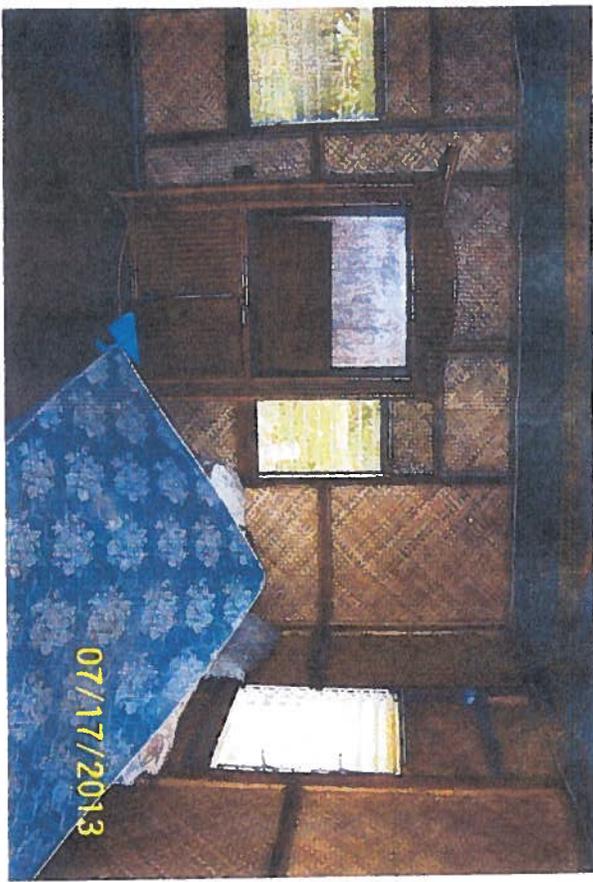
View of roof and lighting inside of the structure. Electric was also provided to the structure via an unpermitted tie in from the Mau's private property.



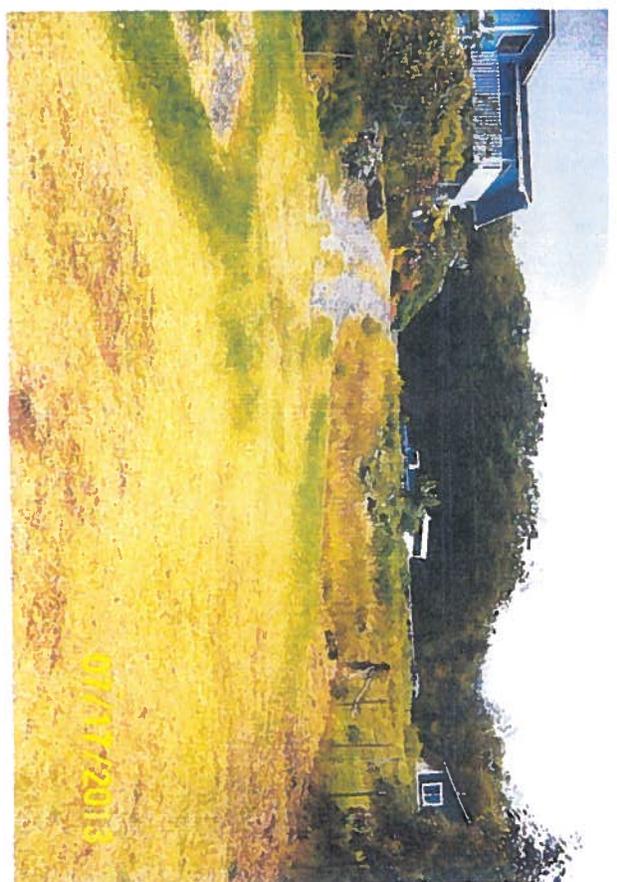
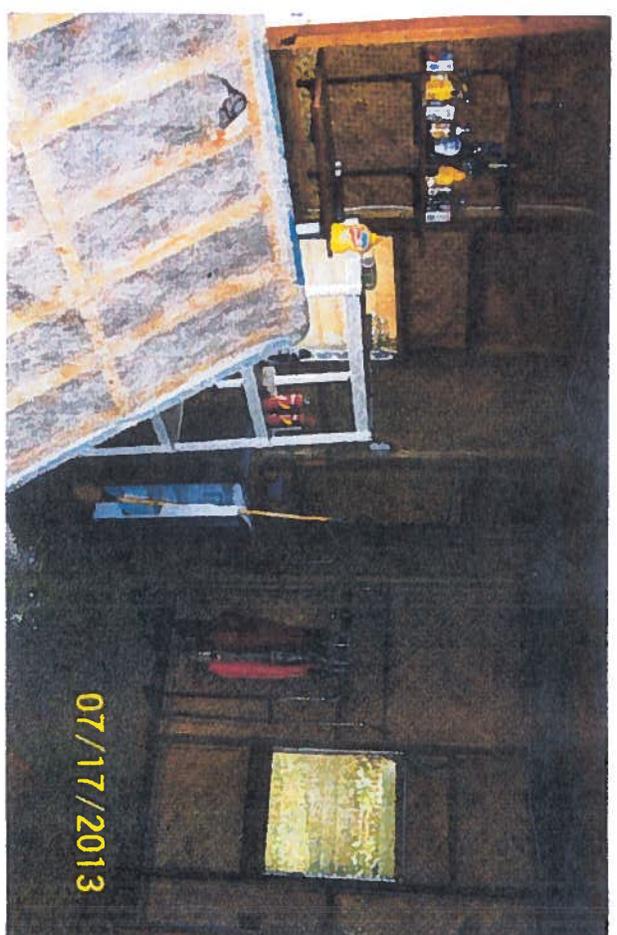
Photos taken: 7/17/2013



Mary Jane Mau, RP-7510



View of interior area of the structure. All items (clothing, beddings and other personal belongings) will be cleaned out by Mrs. Mau.



Photos taken: 7/17/2013



Photos of pasture areas with existing fencing.



Mary Jane Mau, RP-7510



Photos taken: 7/17/2013



Photos of pasture area.

Mary Jane Mau, RP-7510

