CANCELLATION OF REVOCABLE PERMIT NO. S-7550 TO ANNA MARIE PALOMINO AND DONALD ROWEN BOWKER (dba. HO‘OŁAWA 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‘OŁAWA 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

DIIIIL 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;


Respectfully Submitted,

Daniel Ornellas, District Land Agent

APPROVED FOR SUBMITTAL:

William J. Aila, Jr., Chairperson
April 3, 2013

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

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
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

Address:  

Haiku, HI. 96790

Contact Person:  Ann-Marie Palomino

Home Phone:  

Business Phone:  

Fax:  

Contact Phone:  

SITE INFORMATION

TMK:  (2) 2-9-001:033          Area:  1.700 Acres

Site Address:  Hoolawa, Hamakualoa, Makawao, Maui, Hawaii

FISCAL INFORMATION

<table>
<thead>
<tr>
<th>ITEM</th>
<th>NOT APPLICABLE</th>
<th>CURRENT = COMPLIANCE</th>
<th>DEFAULT = NON-COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent</td>
<td></td>
<td>X - $336.00 annually</td>
<td></td>
</tr>
<tr>
<td>Liability Insurance</td>
<td></td>
<td>X – Exp. 10/19/2013</td>
<td></td>
</tr>
<tr>
<td>Fire Insurance</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Bond</td>
<td></td>
<td>X - $44.00</td>
<td></td>
</tr>
<tr>
<td>Mortgage</td>
<td></td>
<td>X</td>
<td></td>
</tr>
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</table>
ANNUAL INSPECTION REPORT  
Intensive Ag/Special Livestock/Pasture/Commercial Timber

File Review

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

Field Inspection

<table>
<thead>
<tr>
<th>ITEM</th>
<th>CRITERIA FOR COMPLIANCE</th>
<th>MEETS COMPLIANCE</th>
<th>COMMENTS/NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subletting</td>
<td>consents approved use adheres to lease purpose</td>
<td>x</td>
<td>No subletting reported or observed.</td>
</tr>
<tr>
<td>Buildings / Residences: roof,</td>
<td>clean, sanitary, orderly suitable &amp; well maintained DLNR construction consent adheres</td>
<td>x</td>
<td>No improvements were located or observed within the RP area.</td>
</tr>
<tr>
<td>paint, exterior, interior</td>
<td>to completion schedule *check for hazardous materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structures: roads, walkways,</td>
<td>cross check w/ conservation plan clean, sanitary, orderly well maintained adheres to</td>
<td>x</td>
<td>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.</td>
</tr>
<tr>
<td>fence lines, pipelines, others</td>
<td>to completion schedule *check for hazardous materials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation Plan: conservation</td>
<td>adheres to plan map &amp; schedule well maintained</td>
<td>x</td>
<td>A Conservation Plan was not required for this disposition.</td>
</tr>
<tr>
<td>structures and plantings</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Premises</td>
<td>clean, sanitary, orderly</td>
<td>x</td>
<td>The property was found to be clean and orderly.</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------------------------</td>
<td>---</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Hazardous Material Storage / Use</td>
<td>controlled and adheres to consent</td>
<td>x</td>
<td>No hazardous materials were observed on the property.</td>
</tr>
<tr>
<td>Character of Use</td>
<td>adheres to lease purpose</td>
<td>x</td>
<td>The property was being utilized in accordance to the permit’s designated character of use.</td>
</tr>
<tr>
<td>Phase 1 Environmental Site Inspection</td>
<td>as required in General Lease or Revocable Permit</td>
<td>x</td>
<td>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.</td>
</tr>
<tr>
<td>Other</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Photos 2, 3, 4 of coconut trees and Mamillia Palms still within the subject property. These trees were formerly part of the Koolawa Farms inventory.