

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

March 11, 2016

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

Maui

Cancellation of Revocable Permit No. S-7730 to Terrence and Moira Sullivan, and Request for Waiver of Level One (I) Hazardous Waste Evaluation Requirement, Hana, Maui, Tax Map Key:(2) 1-5-005:007.

PURPOSE:

Cancellation of Revocable Permit No. S-7730, to Terrence and Moira Sullivan, 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 Hana, Maui, identified by Tax Map Key: (2) 1-5-005:007, as shown on the attached map labeled Exhibit A.

AREA:

2.3 acres, more or less.

EXHIBITS:

Exhibit A - Tax Map of the subject property.
Exhibit B - Final Inspection Report.
Exhibit C - Request for cancellation letter from Mr. and Mrs. Sullivan.

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: August 1, 2000, original permit (RP-7213).
Subject permit reissued on August 3, 2011 (RP-7730).

MONTHLY RENTAL:

\$13.00

REMARKS:

Pursuant to a Land Board approval of August 1, 2000 under item D-17, Terrence and Moira Sullivan were issued Revocable Permit S-7213 for pasture purposes. On November 22, 2010 under item D-1, the Land Board approved the Land Division's request to reissue new revocable permits to 169 tenants Statewide. This request was needed in order to update contract language for the use of State land via revocable permits.

A replacement Revocable Permit S-7730 was issued to the Sullivans, effective 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 December 18, 2015, the Maui District Land office received a written request signed by both Terrence and Moira Sullivan, requesting to cancel their permit for the use of the subject property. They indicated that they sold their private property located next to the permit area and have since moved out of state and therefore require no further use of the premise.

On February 2, 2016, a final inspection of the property was conducted. During this inspection, the parcel was found to be in an acceptable condition although it was heavily overgrown by vegetation due to lack of use. No trash or unwanted debris was found on the property. Refer to Exhibit B, Final Inspection Report.

Upon advising the Sullivans of the requirement to conduct a Phase 1 Environmental Site Inspection, they related that the property was only used for pasturing of a few goats throughout the duration of the permit and no hazardous materials were ever introduced to the area. At this time the Sullivans are requesting to have the Phase 1 inspection waived.

Therefore, based on the request of the permittee, and findings at the time of staff's 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 December 31, 2015.

RECOMMENDATION: That the Board:


1. Authorize the cancellation of Revocable Permit No. S-7730 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-7730 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 December 31, 2015, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the permit to survive cancellation, shall endure past such cancellation date until duly fulfilled, and further provided that the 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-7730, and to pursue all other rights and remedies as appropriate; and
5. Waive the requirement for a Level One (1) Hazardous Waste Evaluation.

Respectfully Submitted,



Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

DWG NO. 8212 (RETRACED)

JULY 3, 1978 (RETRACED) JH/PA
DATE: 5/15/82 BY: JH/PA

DIRECT TRACED FROM LG CT APP 1852, NANA I
SOURCE: LG CT APP 1852, NANA I, 1952, FOR LG CT APP 1852

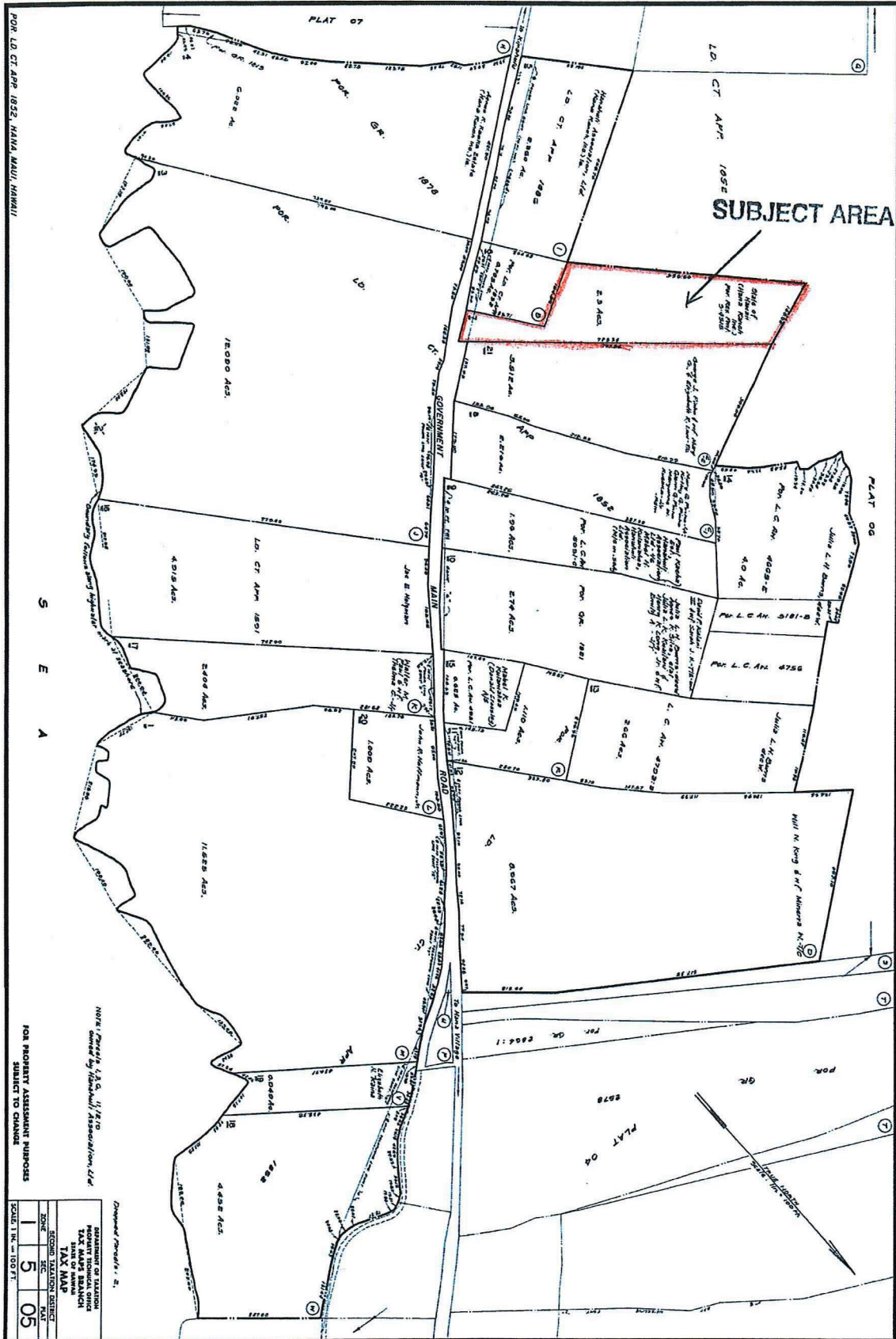


EXHIBIT "A"

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

FINAL INSPECTION

General Information

Document Number: GLS _____ or RPS 7730

Character of Use: Pasture Purposes

Inspection Date: 2/2/2016 Inspection Time: 12:45pm

Land Agent: D. Ornellas

TENANT INFORMATION

Name: Terrence and Moira Sullivan

Home Phone: _____

Address: _____

Business Phone: _____

Paia, Hawaii 96779

Fax: _____

Contact Person: Moria Sullivan

Contact Phone: _____

SITE INFORMATION

TMK: (2) 1-5-005:007

Area: 2.3 acres

Site Address: Hana, Maui, Hawaii

FISCAL INFORMATION

Tenants have requested the cancellation of this permit. The Sullivans have sold their property and moved to Washington State. Final inspection conducted on 2/3/2016. Stop billing request was requested as of December 31, 2015.

ITEM	NOT APPLICABLE	CURRENT = COMPLIANCE	DEFAULT = NON-COMPLIANCE
Rent		X \$156.00 Annual	
Liability Insurance	State Farm Ins. Policy has been cancelled.		
Fire Insurance	"		
Bond	N/A		
Mortgage	N/A		

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	N/A			
Prehistoric/Historic Remains	N/A			
Cutting/Removal of Trees	N/A			
Hazardous Material Storage/Use	N/A			
Subletting	N/A			
Improvement Construction Buildings	N/A			No improvements on the subject property.
Improvement Construction Other structures	N/A			None
Conservation Plan	N/A			No conservation plan was provided for this property.

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 ever occurred per tenant.
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 structures or improvements.
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		A fence was observed along the front portion of the property on an old rock wall. The fence appears to be in decent shape and could be utilized by future tenants. No need for removal.
Conservation Plan: conservation structures and plantings	adheres to plan map & schedule well maintained	x			There is no conservation plan for this disposition.

Premises	clean, sanitary, orderly		x		The property was found to be clean with no trash or debris. It is very overgrown and was found to be very difficult to walk through.
Hazardous Material Storage / Use	controlled and adheres to consent	x			No hazardous materials were observed on the property and per the former tenant, none was used.
Character of Use	adheres to lease purpose		x		No animals have been pastured on the property for several years. Previously, the tenant had two goats on the front portion of the parcel.
Phase 1 Environmental Site Inspection	as required in General Lease or Revocable Permit				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 prior to the termination of this permit.
Other	The property appears to have been mainly used as a buffer between the Sullivans and the neighboring property. According to Mrs. Sullivan, no animals have been pastured on the property for several years.				



Property Pin

Highway Frontage

Boundary
(more or less)

02/02/2016

TRUK (2) 1-5-005:007



↑
Survey Pin

02/02/2016

TMK (2) 1-5-005:007



1/14/2013 2 of 37 Select Date

Subject Parcel



© 2015 Earthstar

Terrance & Moira Sullivan
RP-7730
Tmk: (2) 1-5-005:007

RECEIVED
MAIL DIST. CT
LAND DIVISION

RECEIVED
LAND DIVISION

2015 DEC 18 PM 3:06

2015 DEC -7 AM 11:04

Dec. 4, 2015

Dept. of Land & Natural Resources
Land Division

Subject: Revocable Permit No. S-7730

Dear Sirs;

This is a letter in writing informing DLNR we will not be renewing our lease of parcel TMK (2) 1-5-005:007. We are retiring for health reasons and moving to the mainland.

We have sold our property, which adjoins this State parcel, to Mr. and Mrs. Lindgren. They are interested in assuming the lease and will be contacting you.

Our current mailing address is
Paia, HI 96779

They will be forwarding any mail to us.

Signed:

Thank you,
Terence Sullivan 12-4-15
Mona Sullivan 12/4/15

EXHIBIT "C"