

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813
December 12, 2008

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

PSF No.: 08KD-177

KAUAI

Issuance of Revocable Permit to Richard Abigania, Kapaa,
Kawaihau, Kauai, Tax Map Key: (4) 4-5-15: 17 & 30.

APPLICANT:

Richard Abigania, whose wife is Teresita Abigania, as his
separate property, Tenants in entirety whose business and mailing
address is 5366 Makaloa Street, Kapaa, Hawaii 96746.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapaa situated at Kapaa, Kawaihau,
Kauai identified by Tax Map Key: (4) 4-5-15: 17 & 30, as shown on
the attached map labeled Exhibit A.

AREA:

Lot A = 1.197 acres, more or less.
Lot B = 35.86 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open

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:

Encumbered by General Lease No. S-5344, assigned to Richard
Abigania Lessee, for general agricultural purposes, for 15 years

commencing on December 15, 1993 and expiring on December 14, 2008.

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$143.00 per Month

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "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."

DCCA VERIFICATION:

Place of business registration confirmed:	YES	NA	NO	_____
Registered business name confirmed:	YES	NA	NO	_____
Applicant in good standing confirmed:	YES	NA	NO	_____

Applicant is sole proprietorship and, as such, is not required to register with DCCA.

REMARKS:

General Lease No. S-5344 dated July 26, 1995 was issued to Manuel H. Andrade, Sr. and Michael Andrade for general agricultural purposes. The lease term was for 15 years commencing on December 15, 1993 and expiring on December 14, 2008.

The Board at its November 20, 1998 meeting under Agenda Item D-17 consented to the assignment of General Lease No. S-5344 to Manuel H. Andrade, Sr. and Michael Andrade, Assignor to Carl Braun Assignee.

Subsequently the Board at its November 19, 2004 meeting under

Agenda Item D-42 consented to the assignment of General Lease No. S-5344 to Carl Braun Assignor to Richard Abigania, Assignee.

Mr. Abigania has requested that he be able to continue to raise his cattle after the General Lease No. S-5344 expires on December 14, 2008.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited from the Department of Hawaiian Homes Lands, Office of Hawaiian Affairs and Department of Health with no response.

RECOMMENDATION: That the Board:

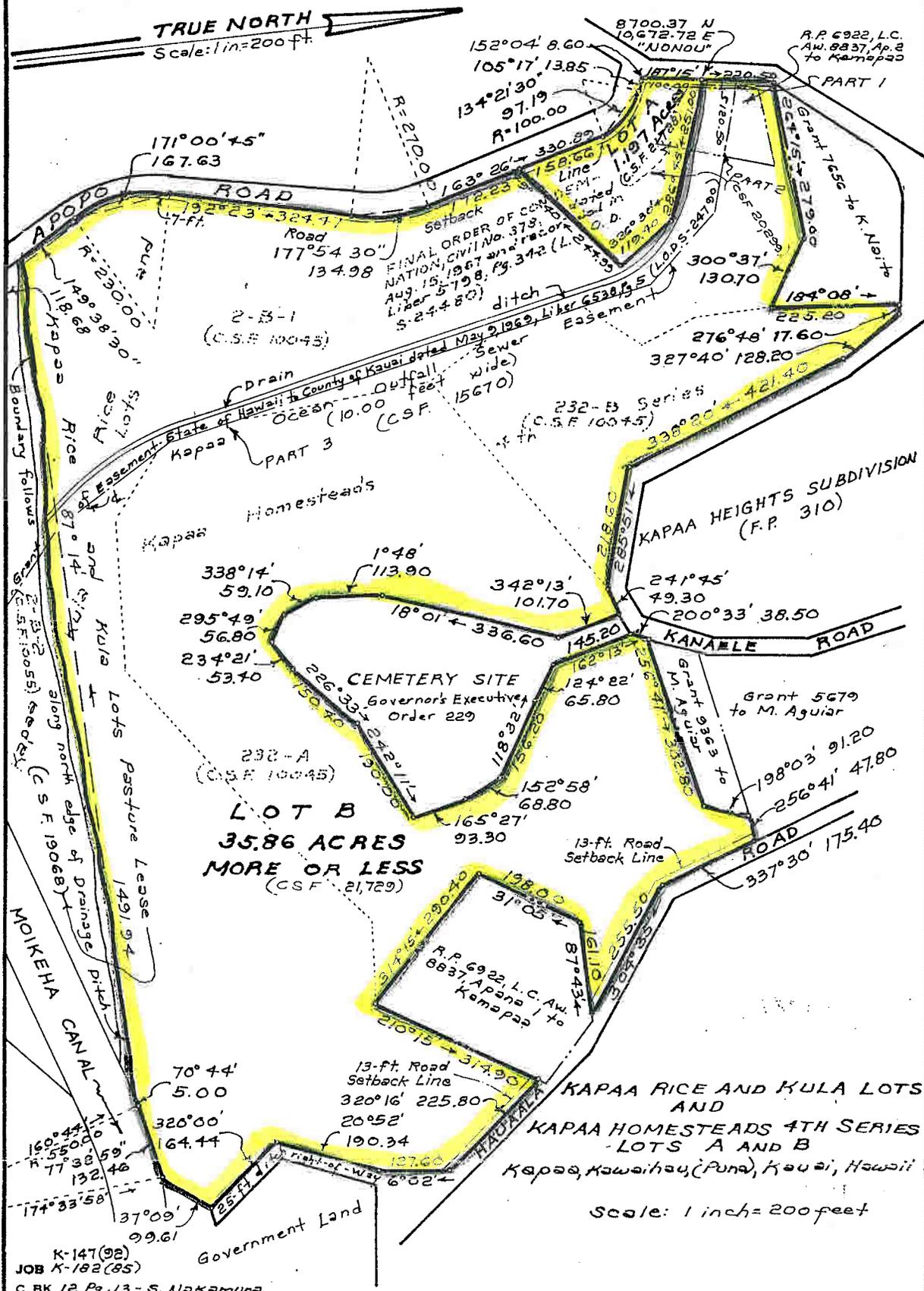
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Richard Abigania covering the subject area for pasture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


for Tommy Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen, Chairperson



TAX MAP 4-5-15 SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII
C. S. F. No. 21,728 & 21,729 STN June 24, 1992

EXHIBIT "A"