

ORIGINAL

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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JUN 16 2005

In the Matter of the Petition)	SPECIAL PERMIT SP-2001-5
)	
of)	TESTIMONY OF ALLAN A. SMITH
)	SMITH ON BEHALF OF
KAUAI ATV, LLC, for a Special Permit)	GROVE FARM COMPANY,
for recreational activities within the)	INCORPORATED
Agricultural District at Koloa, Island and)	
County of Kauai, State of Hawaii, on)	
parcels identified as Kauai Tax Map Keys:)	
2-9-001: por. 01; 2-9-002: por. 01;)	
3-4-06: por. 01; and 3-4-01: por. 01.)	
_____)	

TESTIMONY OF ALLAN A. SMITH
ON BEHALF OF GROVE FARM COMPANY, INCORPORATED

Comes now ALLAN A. SMITH, and submits the following as his testimony on behalf of GROVE FARM COMPANY, INCORPORATED, a Hawaii corporation, in the above referenced proceedings.

He is the Vice-President and Chief Operating Officer of Grove Farm Company, Incorporated, herein called "Grove Farm", and is authorized to appear before the Land Use Commission on behalf of Grove Farm and present this testimony.

Grove Farm is the owner of the parcels of real property at Koloa, Island and County of Kauai, State of Hawaii, identified as Kauai Tax Map Keys: 2-9-001:01, 2-9-002:001, 3-4-006:001 and 3-4-001:001, which are subject of this proceeding.

Grove Farm is also the owner of the parcels of real property at Koloa, Island and County of Kauai, State of Hawaii, identified as Kauai Tax Map Keys: 2-9-002:005, 2-9-003:006, 2-9-003:001, 2-9-003:006 and 2-8-022:024. Grove Farm also possesses the

rights to use the parcels of real property at Koloa aforesaid, more particularly identified as Kauai Tax Map Keys: 2-7-001:001 and 2-8-001:003, which are owned by the A. F. Knudsen Trust.

He has been in communication with the Land Use Commission's staff regarding clarification of the permit area, and the advantages and disadvantages of permitting by tax key parcels versus specific areas described by survey metes and bounds. This testimony is also generated by those discussions.

He has also been in communication with representatives of Kauai ATV, LLC, and is aware of the testimony to be presented to the Land Use Commission by Olie Rivera on various issues.

Grove Farm is in agreement with the proposal by Kauai ATV, LLC, that Grove Farm be the applicant for a master special permit for specified outdoor recreational activities which would be permitted on Grove Farm's agricultural lands. These activities will be supplemented by oral testimony before the Land Use Commission in these proceedings.

Grove Farm is willing to work with the appropriate agencies, prospective licensees and other parties to effect such a proposal, if encouraged by the Land Use Commission, and will encompass all of the above-referenced parcels..

Grove Farm believes that it is in the position and capable of evaluating the various uses by prospective licensees, and can appropriately license recreational uses covered under a master special permit. This would be an efficient and workable means of

reviewing and instituting recreational uses under a special permit, without the necessity of multiple permit applications.

Grove Farm also recognizes the difficulties to set forth the permitted areas for Kauai ATV, LLC's activities by specific metes and bounds, and is willing to accept permitting for Kauai ATV, LLC's activities in this proceeding by references to the tax map key parcels hosting those activities.

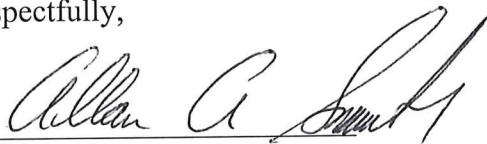
However, because the tax map key parcels would encompass areas beyond the scope of Kauai ATV, LLC's activities, it is necessary for Grove Farm to be also noted and considered an applicant for the purposes of accepting the responsibility for compliance with the permit on the parcels.

Accordingly, Grove Farm Company, Incorporated, hereby states and represents that it is willing and able to join in this proceeding and be considered as a co-applicant with Kauai ATV, LLC; is agreeable to extending this Special Permit application to encompass all of the tax key parcels mentioned hereinbefore for the uses proposed by Kauai ATV, LLC; is agreeable to extending this Special Pemrit application to encompass all of the tax key parcels mentioned hereinbefore, as well as other tax key parcels as may determined by the Land Use Commission, for other outdoor recreational uses mentioned by Grove Farm; and has a written Joinder to present and file with the Land Use Commission.

Thank you for your consideration.

Dated: Kauai, Hawaii, this 15 day of June, 2005.

Respectfully,

A handwritten signature in black ink, appearing to read "Allan A. Smith". The signature is written in a cursive style with a large, sweeping initial "A".

ALLAN A. SMITH

Vice President & Chief Operating
Officer, Grove Farm Company,
Incorporated