



**STATE OF HAWAII**  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

**LAND USE COMMISSION**

P.O. Box 2359  
Honolulu, Hawaii 96804-2359  
Telephone: 808-587-3822  
Fax: 808-587-3827

June 27, 2005

Walton D. Y. Hong, Esq.  
Law Offices of Walton D. Y. Hong  
3135 Akahi Street, Suite A  
Lihue, Hawaii 96766-1106

Mr. Allan A. Smith  
Grove Farm Company, Inc.  
P.O. Box 662069  
Lihue, Hawaii 96766-7069

Dear Messrs. Hong and Smith:

Subject: LUC Docket No. SP05-399/Kauai ATV, LLC

This letter confirms our receipt of the Amendment To Trail Route And Statement of Service received by our office on June 21, 2005, and specifies what remaining items needs to be submitted before the LUC can determine that the record is complete. The remaining items to be transmitted include:

1. Define the actual acreage of the Petition Area based upon the entirety of TMK Nos.:
  - 2-7-001: 001
  - 2-8-001: 001
  - 2-8-001: 003
  - 2-9-001: 001
  - 2-9-002: 001
  - 2-9-002: 005
  - 2-9-003: 001
  - 2-9-003: 006
  - 3-4-001: 001
  - 3-4-006: 001
2. Provide documentation from the property owners of TMK Nos.: 2-7-001:001 and 2-8-001:003 indicating any right-of-entry agreement with the Petitioner which include the proposed uses associated with SP05-399.

Walton D. Y. Hong, Esq.  
Mr. Allan A. Smith  
June 27, 2005  
Page 2

3. Summarize descriptions of proposed activity sites identified in the record transmitted to the LUC by the County of Maui. LUC staff request your clarification or additional specification pertaining to these sites.

- Staff notes that the Mauka Park is defined as being approximately 3 to 4 acres in size and located within a eucalyptus forest to the northeast of the Waita Reservoir. Its location is identified by a symbol that looks like a splattering of paint on Exhibit E of Petitioner's August 27, 2004 Application for a Special Permit.

*Please provide any additional information regarding the location and physical boundaries of this site using agricultural field numbers or other local place name (if used historically by Grove Farm Company, Inc.) used to describe the specific area. Please describe any boundary, which will be established to demarcate the site (e.g. stakes or perimeter fencing or others).*

- Staff notes that the Makai Park is defined as approximately 6 acres in size and is situated northeast of the Koloa By-Pass Road and Poipu Road intersection, above the Hyatt Regency Hotel, and to the east of the "Pa`a" survey triangulation station. Its location is identified by a symbol that looks like a splattering of paint on Exhibit E of Petitioner's August 27, 2004 Application for a Special Permit.

*Please provide any additional information regarding the location and physical boundaries of this site using agricultural field numbers or any other local names used to describe the specific area. Please also indicate if the area will be staked out or otherwise demarcated.*

- Staff notes that the Speedball Tournament Field is situated in front of the Old Mill and to the immediate east of the ATV staging area. Its approximate 3 acres include the actual playing field, spectator areas, and parking. Petitioner proposes a possible second speedball tournament field in the future if demand warrants it.

*Please provide any additional information regarding the location and physical boundaries of this site using agricultural field numbers or any other local names used to describe the specific area. Please also indicate if the area will be staked out or otherwise demarcated.*

*Please also indicate where any second future speedball tournament field will be located in relation to the Speedball Tournament Field mentioned above.*

- The existing special permit record describes the Waita Reservoir recreation area as including: a 20' by 6' floating dock, four picnic tables with roofs, and 230 sq.

Walton D. Y. Hong, Esq.  
Mr. Allan A. Smith  
June 27, 2005  
Page 3

ft. storage shed.<sup>1</sup> A site map of the recreation area is included as Exhibit O of Petitioner's August 27, 2004 Application for a Special Permit.

*Please clarify the location of the staging area for Waita Reservoir recreation area relevant to the Reservoir. If possible, use any agricultural field number descriptions or local names to help clarify the location and boundaries of this proposed site.*

*Please also indicate how the proposed uses of the Waita Reservoir will be separated from the existing recreational uses (Kauai Freshwater Aquatics local fishing club) and potential future commercial fishing uses (as mentioned by the Petitioner during the 11/23/04 Planning Commission hearing).*

The LUC reserves the right to request additional information pursuant to §15-15-96(a), HAR, to the LUC's satisfaction that the complete record has been transmitted for review.

Should you require clarification or further assistance in this matter, please contact Max Rogers of my staff at 587-3822.

Sincerely,

  
ANTHONY J. H. CHING  
Executive Officer

c: Myles Hironaka, County of Kauai Planning Department

---

<sup>1</sup> Clarified by the Petitioner during the 11/23/04 Planning Commission hearing to be a 9' by 12' (108 sq. ft.) shed.