



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

April 13, 2007

Senator Gary L. Hooser
7th Senatorial District of Kaua`i & Ni`ihau
Hawai`i State Capitol, Room 214
415 South Beretania Street
Honolulu, Hawai`i 96813

Dear Senator Hooser:

Subject: LUC Docket No. SP05-399/Kaua`i ATV, LLC

Thank you for your letter of March 26, 2007, regarding the potential violation of the subject special permit as it relates to a deck, stairway, and trail located near the pond and waterfall.

We have reviewed the twelve photos you transmitted in your correspondence. Based upon our preliminary review of the photos and the Decision and Order Approving the subject Special Permit dated December 6, 2005, we are unable to determine if Kaua`i ATV, LLC and Grove Farm Company, Inc. (the "co-applicants") are in violation of the subject special permit at this time. We will be soliciting the input of the County of Kauai Planning Department and calendar a status report on this docket item for the Land Use Commission's meeting of April 26-27, 2007 on the island of Kaua`i. This will provide the Commission the opportunity to hear from the co-applicants as to their compliance with the terms of the special permit.

Should you require further clarification or assistance on this matter, please feel free to contact me at 587-3822.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony J. H. Ching".

ANTHONY J. H. CHING
Executive Officer

c: Ollie Rivera, Kaua`i ATV, LLC
David Hinazumi, Grove Farm Company, Inc.
Walton Hong, Esq.
Ian Costa, County of Kaua`i Planning Department