

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of:) DOCKET NO. SP05-399
)
KAUAI ATV, LLC)
) ORDER TO SHOW CAUSE
To Permit The Expansion Of Use And)
Placement Of Additional Structures)
Within A Previously County-Approved)
Staging Area And Expansion Of)
Commercial Recreational Activities)
Involving The Increase And Change Of)
Number Of Vehicles Allowed For Guided)
All-Terrain Vehicle Tours, Water)
Activities In The Waita Reservoir, Two)
Paintball Parks, And A Speedball)
Tournament Field on approximately)
12,437.79 acres at Koloa, Kaua`i, Hawai`i)

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ORDER TO SHOW CAUSE

TO: KAUAI ATV, LLC and GROVE FARM COMPANY, INC. (the "Co-Applicants")

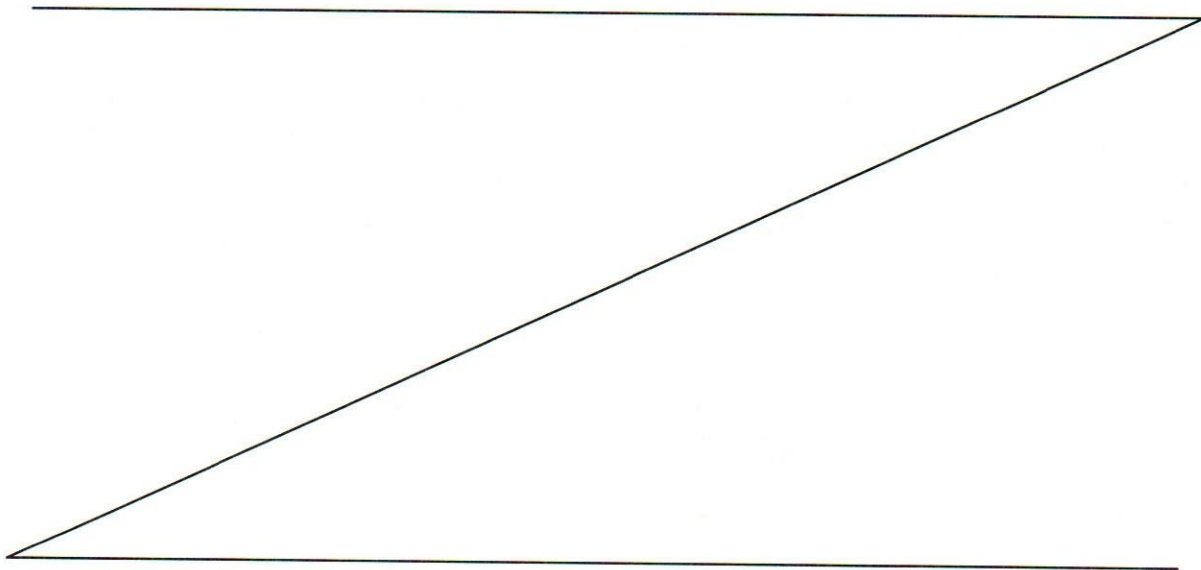
YOU ARE HEREBY COMMANDED, under the authority of chapter 205, Hawaii Revised Statutes, to appear before the Land Use Commission, State of Hawai`i ("Commission"), at the Hilton Kauai Beach Resort, on July 12, 2007, to show cause as to why that certain special permit covering land at Koloa, Kaua`i, Hawai`i, TMK Nos. [4] 2-7-001: 001; [4] 2-8-001: 001; [4] 2-8-001: 003; [4] 2-8-022: 028; [4] 2-9-001: 001; [4] 2-9-002: 001; [4] 2-9-002: 005; [4] 2-9-003: 001; [4] 2-9-003: 006; [4] 3-4-001: 001; [4] 3-4-006: 001

covering approximately 12,437.79 acres of land, referred to as the Subject Area, and approximately identified on Exhibit "A," attached hereto and incorporated herein, should not be revoked.

The Commission has reason to believe that you have failed to perform according to the conditions imposed and to the representations and commitments made to the Commission in obtaining the special permit for the Subject Area.

Accordingly, the Commission will conduct a hearing on this matter in accordance with the requirements of chapter 91, Hawai'i Revised Statutes, and subchapters 7 and 9 of chapter 15-15, Hawai'i Administrative Rules. All parties in this docket shall present testimony and exhibits to the Commission as to whether the Co-Applicants have failed to perform according to representations made in seeking the special permit.

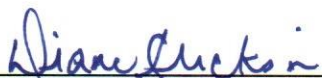
Any party may retain counsel if the party so desires.



Done at Honolulu Hawaii, this 6th day of

June, 2007.

APPROVED AS TO FORM



Deputy Attorney General

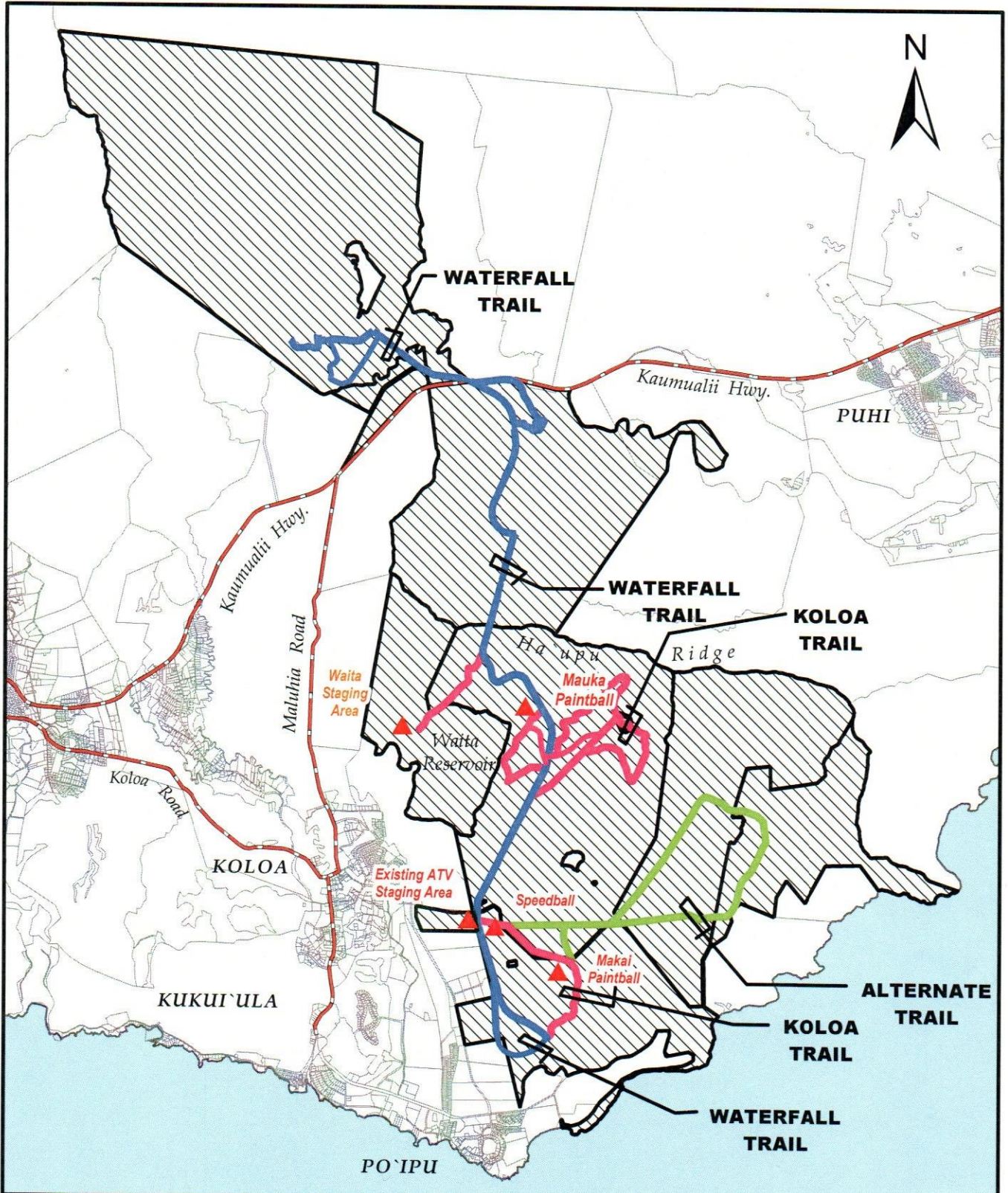
LAND USE COMMISSION
STATE OF HAWAI'I

By 
LISA JUDGE
Chairperson and Commissioner

Filed and effective on
JUN - 6 2007

Certified by:


ANTHONY J. H. CHING



Location Map

Tax Map Key: 2-7-01: 1, 2-8-01: 1, 3, 2-8-22: 28, 2-9-01: 1,
2-9-02: 1, 5, 2-9-03: 1, 6, 3-4-01: 1, and 3-4-06: 1,

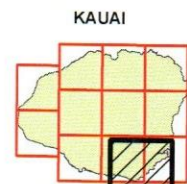
Koloa, Kauai, Hawaii

Scale: 1:70, 000 feet



Approved Petition Area

EXHIBIT "A"



Map Location

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OF THE STATE OF HAWAII

In The Matter Of The Petition Of:) DOCKET NO. SP05-399
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KAUAI ATV, LLC)
) CERTIFICATE OF SERVICE
To Permit The Expansion Of Use And)
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12,437.79 acres at Koloa, Kaua`i, Hawai`i)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order to Show Cause was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL. LAURA THIELEN, Director
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

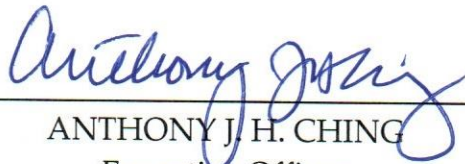
BRIAN YEE, Esq.
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MATTHEW PYUN, Esq.
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Lihue, Hawaii 96766

IAN COSTA, Director
Department of Planning
County of Kauai
4444 Rice Street, Suite A473
Lihue, Hawaii 96766

CERT. WALTON D. Y. HONG, Esq.
3135-A Akahi Street
Lihue, Hawaii 96766

Honolulu, Hawai`i, JUN - 6 2007.



Handwritten signature of Anthony J. H. Ching in blue ink, written over a horizontal line.

ANTHONY J. H. CHING
Executive Officer