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TESTIMONY AT THE  
STATE LAND USE COMMISSION MEETING  
ON APRIL 27, 2007

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RECEIVED  
JUL 12 2007  
STATE OF HAWAII  
LAND USE COMMISSION

*"Not a tree was cut down to build the deck".*

~ O. Rivera (KATV)

*"Did you do any type of grading or cutting into the hillside"?*

~ J. Tagura (County Attorney)

*"Nothing was cut into the hillside. Did you see that not even a boulder was moved or a tree was cut"?*

~ O. Rivera (KATV)

*"If there is anything they need to permit it, we will do it".*

~ O. Rivera (KATV)

*"I observe the river when it is raining. Like I said, I go everyday and check if it's safe".*

~ O. Rivera (KATV)

*"We really want to get the facts out. We're not hiding anything".*

~ W. Hong (KATV Attorney)

*"Was there any notation in the report of (December 2006) about the construction of the walkway"?*

~ D. Kanuha (Commissioner)

*"No, there was not".*

~ W. Hong (KATV Attorney)

*"Did you think you would need a building permit or some kind of permit for this large structure"?*

~ J. Tagupia (County Attorney)

*"No, it was never in my mind to need a permit because it's a stairway. I wasn't aware of any of the permitting of this type. I didn't inquire with anyone".*

~ O. Rivera (KATV)

*"Mr. Rivera, when you built this stairway, did you do any digging at all"?*

~ T. Contrades (Commissioner)





*“The only digging I did was with my hand for the footing”.*

~ O. Rivera (KATV)

*“What about the trees, did you trim anything”?*

~ T. Contrades (Commissioner)

*“No”.*

~ O. Rivera (KATV)

*“Did I understand you correctly to say that you did not ask **Grove Farm** or even call your attorneys for any legal advice whether this was okay”?*

~ T. Contrades (Commissioner)

*“No, I got the permit. I asked **Grove Farm** if it was okay to do that”.*

~ O. Rivera (KATV)

*“So you got permission from **Grove Farm**”?*

~ T. Contrades (Commissioner)

*“Yes”.*

~ O. Rivera (KATV)

*“Mr. Rivera, one more question, if I may. You have heard statements made that **Kauai ATV** is creating new roads or trails, is it true”?*

~ W. Hong (KATV Attorney)

*“No”.*

~ O. Rivera (KATV)



**The Special Use Permit Criteria states...**

*“The ATV Tours routes only occur on existing cane haul roads and trails, with the exception of the ATV staging area. Minimal improvements are proposed within the paintball parks, speedball tournament field, and along **Waita Reservoir**”.*

**Condition No. 1 of Special Use Permit states...**

*“An annual report of its operations to include, but not limited to, the number of tours, customers, and customer vehicles”.*

**Condition No. 2 of Special Use Permit states...**

*“The applicant shall provide a revised **Emergency Response Action Plan** for the ATV Tours and Paintball Operations to the **Fire Department**”.*

**The Emergency Response Action Plan states...**

*“In case of any **INJURY**...a written report shall be prepared to document the events leading up to and actions taken subsequent to the emergency”.*

*Kauai ATV has had emergencies requiring the Koloa Fire Department.*

*Have any written reports been prepared?*

*“The applicant has and shall continue to conduct its activities in substantial compliance with its representations to the **Planning Commission and State Land Use Commission**”.*

~ W. Hong (KATV Attorney)  
2006 Annual Status Report

*Photos of 2nd Stairway-Trail taken on 7/04/07.*

*Planning Department contacted on 7/05/07. They would volunteer little information.  
Now 2nd Stairway is missing and hidden.*

























