



**McCORRISTON MILLER MUKAI MACKINNON LLP**  
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April 18, 2024

Scott Derrickson, AICP  
Land Use Commission  
235 Beretania Street, Rm. 406  
Honolulu, HI 96804



April 18, 2024

Re: SPO5-399, Kauai ATV LLC

Dear Mr. Derrickson:

This is in response to your August 11, 2023, letter relating to Kauai ATV, LLC. So that you know we have taken your letter seriously, we did e-mail you a response 11 days later, and a copy of that e-mail is enclosed here. Additionally, I have had at least two meetings with the Kauai County Planning Department about your letter, including one with Ka'aina Hull, Director, as recently as this month.

By way of explanation and not as an excuse, Kauai ATV's lawyer retired a couple of years ago and after we received your August 2023 letter, I was able to retrieve some files from him. Also, I submitted a FOIA request to the Planning Department for their set of files, but they appear not to have any. So, we are trying to recreate some background.

Our main point is that in the years since the LUC approved Special Permit 05-399, the landowner Grove Farm has sold large parcels that once were leased to Kauai ATV. As a consequence, the amount of trails that Kauai ATV uses has decreased by about half. The previous trails traversed in excess of 15 miles. The current trails now total between six and seven miles, depending on the weather and condition of the trails. I have attached a map of the trails used by Kauai ATV. The red lines show what was previously used in red and include trails that go above the reservoir at the top of the map to a waterfall. Now, the trails that Kauai ATV uses all appear on the map as black dotted lines and depending on the weather or usage of the trails, the black dotted lines show only potential trails as not all the dotted lines are used on any given month. We have measured the longest possible trail now used at seven miles. Often, the actual distance travelled is much less.

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We are open to meeting with you and also invite you or your staff to come visit our operation for a tour of the current trails.

Sincerely yours,  
McCorriston Miller Mukai MacKinnon, LLP

A handwritten signature in blue ink, appearing to read "Laurel Loo", written in a cursive style.

Laurel Loo  
Michael D. Scarbo

LL; vct

Enclosures

**Laurel Loo**

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**From:** Laurel Loo  
**Sent:** Tuesday, August 22, 2023 2:48 PM  
**To:** scott.a.derrickson@hawaii.gov  
**Subject:** SP05-399 Kauai ATV LLC  
**Attachments:** LUC AUG2023.pdf

Aloha Scott:

My client Kauai ATV received this letter. There is a lot of confusion because his land-use attorney, Walton Hong, retired and does not have the files, so I have just submitted a FOIA request to Kauai Planning for its files. Also, the client informed me that the tour is now 6.4 miles instead of the 15 miles due to the sale of some of the land they were using, so it is a much shorter tour.

As I get more information I will share it with you, but wanted to give you this preliminary information.

Let me know if you need any other information.

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further old trails to north

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1,076.07 Acres  
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