

FEB 08 2021

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO
CONVENE A TASK FORCE TO RESOLVE ISSUES RELATING TO THE
HANAPEPE CHINESE, FILIPINO, AND PORTUGUESE CEMETERY.

1 WHEREAS, the Hanapepe Chinese, Filipino, and Portuguese
2 Cemetery, also known as Hanapepe Cemetery, is an important
3 cemetery in the historic community of Hanapepe on the island of
4 Kauai that has been in use for more than fifty years; and
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6 WHEREAS, the Hanapepe Chinese, Filipino, and Portuguese
7 Cemetery is located on an unencumbered state-owned parcel,
8 identified as Tax Map Key: (4) 1-8-001:018, under the control
9 of the Department of Land and Natural Resources; and
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11 WHEREAS, the Land Division of the Department of Land and
12 Natural Resources recently found that it was unable to locate
13 any executive order on file that set aside the cemetery to the
14 Department of Accounting and General Services or the County of
15 Kauai for use as a cemetery; and
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17 WHEREAS, the Department of Health includes the Hanapepe
18 Chinese, Filipino, and Portuguese Cemetery on its list of
19 designated "public cemeteries" on Kauai but it is unclear what
20 qualifies a cemetery for placement on that list; and
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22 WHEREAS, the Department of Parks and Recreation of the
23 County of Kauai does not authorize burials on the property but
24 maintains the property by mowing vegetation and providing water
25 faucets and trash receptacles at the cemetery; and
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27 WHEREAS, the Department of Land and Natural Resources also
28 found that no government agency has established protocols
29 regulating where new burials are conducted in the cemetery and



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1 that decisions of where to dig new graves are made solely by the
2 gravediggers themselves; and

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4 WHEREAS, it appears that the Department of Land and Natural
5 Resources has never been contacted for permission to use the
6 Hanapepe Chinese, Filipino, and Portuguese Cemetery site as a
7 cemetery; and

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9 WHEREAS, the Department of Accounting and General Services
10 and County of Kauai have also indicated that they have not
11 authorized burials on the property; and

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13 WHEREAS, accordingly, on July 20, 2020, the Department of
14 Land and Natural Resources recommended that the Department of
15 Health immediately discontinue the issuance of burial permits
16 for Hanapepe Chinese, Filipino, and Portuguese Cemetery until an
17 appropriate governmental agency is properly assigned management
18 and control over the cemetery; and

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20 WHEREAS, the cessation of burial permits has unfortunately
21 caused immediate disruption as a number of people who planned to
22 bury their loved ones at the cemetery were no longer able to do
23 so, including at least one case in which a husband was unable to
24 be buried with his wife; and

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26 WHEREAS, it is important that the Hanapepe Chinese,
27 Filipino, and Portuguese Cemetery remain available for use as
28 there are not many cemeteries on Kauai that have available space
29 for new burials, and burials at private cemeteries may be
30 prohibitively expensive; and

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32 WHEREAS, accordingly, the Department of Land and Natural
33 Resources has requested that the County of Kauai assume
34 management and control over the Hanapepe Chinese, Filipino, and
35 Portuguese Cemetery by way of a Governor's Executive Order for
36 cemetery purposes, which would in turn allow for continued
37 burials at the cemetery; now, therefore,

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39 BE IT RESOLVED by the Senate of the Thirty-first
40 Legislature of the State of Hawaii, Regular Session of 2021, the
41 House of Representatives concurring, that the Department of Land
42 and Natural Resources is requested to convene a task force to



1 resolve issues relating to the Hanapepe Chinese, Filipino, and
2 Portuguese Cemetery, located at Tax Map Key: (4) 1-8-008:018;
3 and

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5 BE IT FURTHER RESOLVED that the task force is requested to
6 examine and resolve:

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8 (1) All outstanding jurisdictional issues regarding the
9 use of the site as a cemetery;

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11 (2) Any steps needed to allow burials at the cemetery to
12 resume; and

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14 (3) Any other issues the task force may identify; and

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16 BE IT FURTHER RESOLVED that the task force is requested to
17 include the following individuals or their designees:

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19 (1) The Governor;

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21 (2) The Chairperson of the Board of Land and Natural
22 Resources;

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24 (3) The District Land Agent for the Kauai District Branch
25 of the Department of Land and Natural Resources's Land
26 Division;

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28 (4) The Director of Health;

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30 (5) The Comptroller;

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32 (6) The Director of Commerce and Consumer Affairs;

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34 (7) The Mayor of the County of Kauai;

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36 (8) The Chairperson of the standing committee of the Kauai
37 County Council having jurisdiction over that county's
38 Department of Parks and Recreation;

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40 (9) The Director of Parks and Recreation of the County of
41 Kauai; and

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