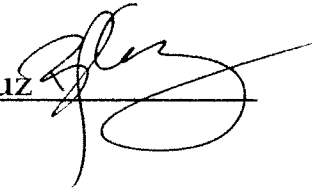


I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

2010 AUG 27 PM 5:04
MUN

Resolution No. 432 -30 (COR)

Introduced by:

B. J.F. Cruz 

RELATIVE TO EXPRESSING THE GUAM
LEGISLATURE'S OBJECTION TO THE
SATISFACTION OF DEPARTMENT OF DEFENSE
NHPA SECTION 106 RESPONSIBILITIES FOR THE
MILITARY RELOCATION AND OTHER MILITARY
BUILDUP PROJECTS ACCORDING TO THE TERMS
OF A DRAFT PROGRAMMATIC AGREEMENT WITH
GUAM SHPO AND WITHOUT FURTHER
CONSULTATION WITH THE PEOPLE OF GUAM,
AND TO FURTHER OBJECTING TO THE PROPOSED
MITIGATION AS INADEQUATE

1 BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I*
2 *MINA'TRENTA NA LIHESLATURAN GUÅHAN*:

3 WHEREAS, the Department of Defense (DoD) has determined that the
4 proposed Guam and Commonwealth of the Northern Mariana Islands
5 Military Relocation and associated buildup activities, as described in the Final

1 Environmental Impact Statement (FEIS), are subject to review under Section
2 106 of the National Historic Preservation Act (NHPA), and its implementing
3 regulations;

4 **WHEREAS**, the DoD has proposed that the Guam SHPO and others
5 enter into a Programmatic Agreement (PA), the execution and
6 implementation of which will evidence that the DoD has satisfied its Section
7 106 responsibilities, and has afforded the Signatories (including the Guam
8 SHPO) and Consulting Parties the opportunity to comment on the Military
9 Relocation and associated buildup activities, and their effects on historic
10 properties in the Area of Potential Effect (APE), and has taken into account the
11 direct, indirect and cumulative effects of the buildup to historic properties in
12 Guam and the CNMI; and

13 **WHEREAS**, according to the draft PA, the DoD has determined that the
14 proposed Military Relocation and associated buildup activities will affect
15 historic properties, as defined by 36 CFR Sect 800.16(1); but that the effects on
16 historic properties *cannot be fully determined prior to* approval of the Military
17 Relocation and associated projects; and

18 **WHEREAS**, the approval of the Relocation and associated buildup
19 activities is expected to occur on or about September 8, 2010; and

20 **WHEREAS**, according to the Draft PA, the DoD, as part of its Section
21 106 review, has determined the Area of Potential Effect (APE) for the direct
22 and indirect effects of over two hundred (200) projects based on the FEIS, and

1 that the APE for the cumulative effects on historic properties includes the
2 entire island of Guam and Tinian; and

3 **WHEREAS**, the DoD has proposed by the Draft PA that the Guam
4 SHPO concur with the determination of the Adverse Effects to Historic
5 Properties; concur with the determination of No Historic Properties Affected;
6 and concur with the determination of No Adverse Effects, for approximately
7 two hundred sixteen (216) separate buildup projects ; now, therefore, be it

8 **RESOLVED**, that *I Mina'Trenta Na Liheslaturan Guåhan* (the 30th Guam
9 Legislature), on behalf of the people of Guam, and specifically the *Chamorro*
10 people whose use of historic or traditional cultural properties will be affected,
11 concurs that there are historic properties that will be affected by the military
12 buildup projects and that the cumulative affects to cultural resources will
13 encompass the entire island of Guam; and be it further

14 **RESOLVED**, that *I Liheslaturan Guåhan* (the Guam Legislature) objects to
15 the execution of the Programmatic Agreement as proposed, and objects to the
16 adoption of the DoD determinations of *No Historic Properties Affected* and
17 *No Adverse Effects* without further consultation with the people of Guam; and
18 be it further

19 **RESOLVED**, that *I Liheslaturan Guåhan* (the Guam Legislature) does
20 request DoD and the ACHP require additional consultation with the *Chamorro*
21 people as to the determinations of adverse effects, the determination of
22 whether historic properties are affected, and the determination of the Area of

1 Potential Effect for each property listed in Appendix D to the Draft PA; and be
2 it further

3 **RESOLVED**, that the Military Relocation and associated buildup
4 projects *not* be approved until these determinations and suitable mitigation
5 are agreed to by the people of Guam; and be it further

6 **RESOLVED**, that *I Liheslaturan Guåhan* (the Guam Legislature)
7 anticipates productive results and increased protection of historical and
8 cultural properties, consistent with the intent of NHPA, by increased
9 consultation prior to execution of this PA and prior to approval of the buildup
10 projects; and be it further

11 **RESOLVED**, that the Speaker and the Chairperson of the Committee on
12 Rules certify, and the Legislative Secretary attest to, the adoption hereof, and
13 that copies of the same be thereafter transmitted to all members of the
14 Advisory Council Historic Preservation, the DoD, JGPO, the Guam SHPO;
15 and to the Honorable Felix P. Camacho, *I Maga'lahaen Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES
OF I MINA'TRENTA NA LIHESLATURAN GUÅHAN ON THIS DAY
OF AUGUST, 2010.**

BENJAMIN J. F. CRUZ
Acting Speaker

JUDITH T. GUTHERTZ, DPA
Acting Chairperson, Committee on Rules

TINA ROSE MUÑA BARNES
Legislative Secretary