

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

**Resolution No. 432-30 (LS)**

As amended on the Floor.

Introduced by:

B. J.F. Cruz  
v. c. pangelinan  
Judith T. Won Pat, Ed.D.  
T. C. Ada  
V. Anthony Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
Adolpho B. Palacios, Sr.  
R. J. Respicio  
Telo Taitague  
Ray Tenorio

**Relative to expressing the objection of *I Mina'Trenta Na Liheslaturan Guåhan* (the 30<sup>th</sup> Guam Legislature) to the U.S. Department of Defense's (DoD's) attempt to satisfy its National Historic Preservation Act (NHPA) Section 106 Responsibilities for the military relocation and other military buildup projects according to the terms of a Draft Programmatic Agreement with the Guam State Historic Preservation Officer (SHPO) and without**

further consultation with the people of Guam; and to further objecting to DoD's proposed mitigation as inadequate.

1 BE IT RESOLVED BY *I MINA'TRENTA NA LIHESLATURAN*  
2 *GUÅHAN*:

3 WHEREAS, the Department of Defense (DoD) has determined that the  
4 proposed Guam and Commonwealth of the Northern Mariana Islands  
5 (CNMI) Military Relocation and associated buildup activities, as described in  
6 the Final Environmental Impact Statement (FEIS), are subject to review under  
7 Section 106 of the National Historic Preservation Act (NHPA), and its  
8 implementing regulations; and

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

18 WHEREAS, according to the draft PA, the DoD has determined that the  
19 proposed Military Relocation and associated buildup activities will affect

1 historic properties, as defined by 36 CFR Sect 800.16(1); but that the effects on  
2 historic properties *cannot* be *fully* determined *prior to* approval of the Military  
3 Relocation and associated projects; and

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

6       **WHEREAS**, according to the Draft PA, the DoD, as part of its Section  
7 106 review, has determined the Area of Potential Effect (APE) for the direct  
8 and indirect effects of over two hundred (200) projects based on the FEIS, and  
9 that the APE for the cumulative effects on historic properties includes the  
10 entire island of Guam and Tinian; and

11       **WHEREAS**, the DoD has proposed by the Draft PA that the Guam  
12 SHPO concur with the determination of the Adverse Effects to Historic  
13 Properties; concur with the determination of No Historic Properties Affected;  
14 and concur with the determination of No Adverse Effects, for approximately  
15 two hundred sixteen (216) separate buildup projects; and

16       **WHEREAS**, in a seventh (7<sup>th</sup>) draft of the PA, DOD proposes to approve  
17 the proposed Military Relocation and associated buildup activities in the  
18 Record of Decision and that Section 106 consultation on the individual  
19 projects be conducted subsequent to that approval; now, therefore, be it

20       **RESOLVED**, that *I Mina'Trenta Na Liheslaturan Guåhan* (the 30<sup>th</sup> Guam  
21 Legislature), on behalf of the people of Guam, and specifically the *Chamorro*  
22 people whose use of historic or traditional cultural properties will be affected,

1 concurs that there are historic properties that will be affected by the Military  
2 Buildup projects, and that the cumulative effects to cultural resources will  
3 encompass the entire island of Guam; and be it further

4       **RESOLVED**, that *I Liheslaturan Guåhan* (the Guam Legislature) objects to  
5 the execution of the Programmatic Agreement as proposed, and objects to the  
6 adoption of the DoD determinations of *No Historic Properties Affected* and  
7 *No Adverse Effects* without further consultation with the people of Guam; and  
8 be it further

9       **RESOLVED**, that *I Liheslaturan Guåhan* (the Guam Legislature) does  
10 request DoD and the Advisory Council on Historic Preservation (ACHP)  
11 require additional consultation with the *Chamorro* people as to the  
12 determinations of adverse effects, the determination of whether historic  
13 properties are affected, and the determination of the Area of Potential Effect  
14 for each property listed in Appendices to the Draft PA as well as those project  
15 areas not yet known but also covered by the PA; and be it further

16       **RESOLVED**, that the Military Relocation and associated buildup  
17 projects *not* be approved in a record of decision or otherwise until these  
18 determinations and suitable mitigation are agreed to by the people of Guam;  
19 and be it further

20       **RESOLVED**, that *I Liheslaturan Guåhan* (the Guam Legislature)  
21 anticipates productive results and increased protection of historical and  
22 cultural properties, consistent with the intent of NHPA, by increased

1 consultation prior to execution of this PA and prior to approval of the buildup  
2 projects; and be it further

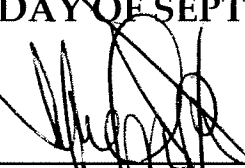
3       **RESOLVED**, that the Speaker certify, and the Legislative Secretary  
4 attest to, the adoption hereof, and that copies of the same be thereafter  
5 transmitted to all the members of the Advisory Council on Historic  
6 Preservation; to the United States Department of Defense (DoD); to Mr.  
7 Donald Schregardus, Deputy Assistant Secretary of the Navy (Environment);  
8 to the Joint Guam Program Office (JGPO); to the Guam (State) Historic  
9 Preservation Officer (SHPO); and to the Honorable Felix P. Camacho, *I*  
10 *Maga'lahren Guåhan*.

**DULY AND REGULARLY ADOPTED BY I MINA'TRENTA NA  
LIHESLATURAN GUÅHAN ON THE 9<sup>th</sup> DAY OF SEPTEMBER, 2010.**



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**JUDITH T. WON PAT, Ed.D.**  
Speaker



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**TINA ROSE MUÑA BARNES**  
Legislative Secretary