

**PROGRAMMATIC AGREEMENT AMONG  
THE DEPARTMENT OF DEFENSE<sup>1</sup>,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
THE GUAM STATE HISTORIC PRESERVATION OFFICER,  
AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS STATE  
HISTORIC PRESERVATION OFFICER REGARDING THE MILITARY  
RELOCATION TO THE ISLANDS OF GUAM AND TINIAN**

WHEREAS, the Department of Defense (DoD), acting through the Joint Guam Program Office (JGPO) as the National Environmental Policy Act (NEPA) proponent in the Guam and CNMI Military Relocation July 2010 Final Environmental Impact Statement (FEIS), covering the Guam and Commonwealth of the Northern Mariana Islands (CNMI) Military Relocation, proposes to develop, construct, and operate additional facilities and infrastructure on Guam and Tinian in order to meet national defense mission requirements associated with the relocation (Undertaking), as described in the FEIS; and

WHEREAS, the Undertaking comprises three primary actions as defined in the FEIS: (1) relocation of 8,600 Marines and their 9,000 dependents from Okinawa to Guam; (2) construction and operation of a transient nuclear aircraft carrier wharf; and (3) establishment and deployment of an Army Air and Missile Defense Task Force; and

WHEREAS, DoD, in implementing the Undertaking, proposes to authorize or carry out a variety of DoD projects identified in the FEIS that are funded in whole or in part by DoD, including those carried out by or on behalf of DoD by authorized contractors, agencies, and individuals; those carried out by third parties with DoD financial assistance and in which the DoD has control of the expenditure of funds; and those DoD activities requiring a Federal permit, license or approval; and

WHEREAS, the projects associated with the Undertaking include, but are not limited to, constructing new training areas, base housing, and office areas; maintaining, rehabilitating, repairing, constructing, and demolishing buildings, structures, and roads; and installing, repairing, and updating utilities and infrastructure on Guam and Tinian; and

WHEREAS, DoD has determined that the Undertaking is subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 United States Code (U.S.C.) 470f, and its implementing regulations, 36 Code of Federal Regulations (CFR) part 800; and

WHEREAS, DoD has determined that the Undertaking will affect historic properties as defined by 36 CFR § 800.16(1); and

WHEREAS, DoD has established the Area of Potential Effect (APE) for the direct and indirect effects of the Undertaking based on the FEIS as shown and described in Appendix A; and

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<sup>1</sup>DoD Representative Joint Region Marianas / United States Navy and the United States Marine Corps will sign this agreement. Additional DoD services may also sign the agreement as Invited Signatories.

WHEREAS, the APE for cumulative effects on historic properties includes the entire islands of Guam and Tinian; and

WHEREAS, DoD has determined that the effects on historic properties cannot be fully determined prior to approval of the Undertaking; and

WHEREAS, should there be changes to the projects included within the Undertaking, or new actions or projects proposed that support the Undertaking, that have potential effects on historic properties that have not been fully analyzed, DoD will conduct supplementary consultations pursuant to the terms of this PA; and

WHEREAS, DoD recognizes the long and unique history of Carolinian and Chamorro peoples of Northern Marianas descent in CNMI and the importance of protecting and preserving the record of that history under Federal law; and

WHEREAS, DoD recognizes the long and unique history of Chamorros on Guam and the importance of protecting and preserving the record of that history under Federal law; and

WHEREAS, DoD anticipates that other federal agencies, such as the Environmental Protection Agency and U.S. Army Corps of Engineers, as well as public, private, and Special Purpose Entities (SPEs) may conduct other activities<sup>2</sup> during the period of implementation of the Undertaking on the islands of Guam and Tinian that may be related to the Undertaking but that are independent of the control and authority of DoD, and that these agencies and entities are separately responsible for ensuring their compliance with Section 106 of the NHPA for those activities; and

WHEREAS, DoD acknowledges that potential effects to historic properties may result from reasonably foreseeable activities by other federal agencies, public and private entities, and SPEs, and must be taken into account as cumulative effects of the Undertaking; and

WHEREAS, DoD has developed this Programmatic Agreement (PA) pursuant to 36 CFR §800.14(b)(3) and in consultation with the Guam (State) Historic Preservation Officer (SHPO), the CNMI SHPO, and the Advisory Council on Historic Preservation (ACHP), Invited Signatories, Concurring Parties,<sup>3</sup> and the public; and

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<sup>2</sup> Such activities include, among other things, design, finance, demolition, construction, extension, ownership, management, acquisition, lease, sale, rehabilitation, operation and maintenance of infrastructure; Such projects are limited to those that are reasonably foreseeable within the period of implementation of the projects comprising the Undertaking.

<sup>3</sup> For purposes of this PA, Concurring Parties are those groups, agencies, and/or individuals invited by DoD to participate in development of the PA and to concur with its provisions. Parties electing to indicate their concurrence by signing the agreement are afforded the specific opportunities to comment on the actions, as defined in Stipulation I.C.3 of this PA. Concurring Party status does not include the authority to amend, formally object, or terminate this PA, nor is additional agreement from the Concurring Parties required to finalize decisions authorized in this agreement.

WHEREAS, it is in the interests of all parties to identify means by which consultations pursuant to this PA may be streamlined in recognition of the limited staff and increased workloads of the Guam and CNMI SHPOs; and

WHEREAS, the Tinian Landing Beaches, Ushi Point Field, and North Field, Tinian Island National Historic Landmark (collectively known as the Tinian NHL) are located within the APE of the Undertaking, and DoD has notified the Secretary of the Interior (SOI), through the National Park Service (NPS), of this Undertaking pursuant to 36 CFR §800.10(c) and the SOI has elected to participate in this consultation through the NPS as an invited signatory; and

WHEREAS, in addition to the Tinian NHL, the Undertaking may have potential adverse effects to historic properties within the National Park System, including properties comprising the War in the Pacific National Historical Park on Guam. Pursuant to this PA, DoD will consult with the Signatories, Invited Signatories, and Concurring Parties to undertake such planning and actions as may be appropriate to avoid, minimize, and/or mitigate these effects; and

WHEREAS, as part of the Undertaking, DoD has requested that the U.S. Department of Transportation Federal Highway Administration (FHWA) supervise the administration of improvements to off-installation roadways, as described in the FEIS, with funds transferred to FHWA from DoD appropriations in accordance with the Defense Access Road (DAR) program established in 23 United States Code (23 USC) Section 210, which provides a means for the military to pay for its fair share of public road improvements required as a result of sudden or unusual defense-generated traffic impacts or requirements and requires that FHWA shall carry out the DAR projects following standard Federal-aid Highway Program procedures, including compliance with Section 106 and its implementing regulations. Accordingly, FHWA has been invited to be a signatory to this PA for purposes of coordinating its own Section 106 responsibilities for the DAR projects; and

WHEREAS, as outlined in Appendix B, DoD has held eleven public meetings to seek public comment and input under the NHPA (four were held early in the process to identify historic properties, while seven meetings were held after the release of the Draft EIS so that meaningful consultation on the Undertaking and the impacts that it may have on these properties could be conducted) and also has allowed for additional input from the general public and other interested parties through a series of “Partnering Sessions,” “Scoping Meetings,” “Village Meetings,” and individual direct correspondence with persons and organizations, and has taken these comments into account while developing this PA; and

WHEREAS, the Signatories, and Invited Signatories electing to sign, agree to carry out the roles and responsibilities assigned to them in this PA.

NOW, THEREFORE, DoD, United States Marine Corps (USMC), ACHP, Guam SHPO, and CNMI SHPO agree that in carrying out the Undertaking in accordance with the procedures defined by this PA, DoD will satisfy its Section 106 responsibilities for the Undertaking.

## **STIPULATIONS**

DoD shall ensure that the following measures are carried out:

### **I. APPLICABILITY**

- A. This PA applies to all individual projects associated with the Guam and CNMI Military Relocation, as identified in the FEIS and listed in Appendix A and as added or modified pursuant to Stipulation I.E. These projects are collectively referred to as the “Undertaking,” per the definition of that term in 36 CFR §800.16(y).
- B. Unless otherwise noted, this PA will utilize the definitions found at 36 CFR §800.16. A glossary of terms and acronyms is provided as Appendix C.
- C. The parties included on the signature pages of the PA have separate roles and responsibilities under the PA, depending on whether they are Signatories, Invited Signatories, or Concurring Parties.
  1. Signatories: The following parties are identified as Signatories to this PA: DoD, USMC, Guam and CNMI SHPOs, and ACHP. All Signatories will be responsible for complying with the provisions of this PA, and have assigned rights under Stipulations XIII, XIV, and XV related to resolving objections, amendment, and termination under this PA.
  2. Invited Signatories: The following parties are identified as Invited Signatories to this PA: the NPS, FHWA, Department of the Army, and Department of the Air Force. Invited Signatories electing to sign the PA assume roles under Stipulations IV, V, and VI related to identification and evaluation of historic properties, assessment and resolution of adverse effects, and general mitigation measures. These roles are not applicable to Invited Signatories who do not sign the agreement.
  3. Concurring Parties: The following parties have been invited to sign the PA as Concurring Parties and, once they have signed the PA, assume roles defined in the text of this PA to consult<sup>4</sup> on identification, evaluation, and treatment of historic properties, to participate in annual workshops, to participate in resolving objections, and to advise the Signatories. Consulting Parties identified during the development of this PA include: the Mayor of Tinian, the Northern Mariana Islands Museum of History and Culture, the Guam Preservation Trust, the National Trust for Historic Preservation, the Department of Chamorro Affairs, the Guam Museum, Commission on Decolonization, Task Force on

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<sup>4</sup> For purposes of this PA, the terms “consult” and “consultation” (as defined in 36 CFR 800.16(f)) shall not be interpreted to imply or require procedures or input from any party to this agreement or the public beyond the procedures incorporated in the PA.

Free Association, We Are Guahan, Fuetsan Famalao'an, Guam Boonie Stompers, Chamorro Tribe, Nasion Chamoru, Guam Legislature, Taotaomona Native Rights, and Dr. Tom King. DoD may invite additional organizations and individuals to become Concurring Parties in the future, based on expression of interest and involvement with historic preservation issues.

- D. All Signatories, and Invited Signatories electing to sign, agree to carry out the roles and responsibilities assigned to them in this PA.
1. For specific projects within the Undertaking that are proposed on DoD leased lands, such as the northern portion of Tinian, the DoD Representative, who also serves as Commander, Joint Region Marianas (CJRM), is responsible for complying with applicable project-specific stipulations.
  2. CJRM, as the Regional Commander responsible for all shore installation management issues on Guam, shall be responsible for complying with applicable project-specific stipulations. When projects associated with the Undertaking will occur on a specific DoD installation on Guam, the Installation Commanding Officer (ICO) will oversee compliance with applicable project-specific stipulations. The project proponent shall be responsible for funding and complying with the agreed upon stipulations and mitigations. The installation Cultural Resources Manager (CRM), as representative of the ICO, shall ensure that the project proponent carries out the agreed upon stipulations.
  3. For specific projects within the Undertaking that are proposed on lands held by DoD under less than fee simple ownership (i.e., lands used or controlled by DoD under leases, licenses and easements), the project proponent, if a Signatory to this agreement, shall be entitled to utilize the procedures incorporated in Stipulations IV and V for compliance with Section 106 of the NHPA. DoD, acting through CJRM, is responsible for ensuring NHPA compliance among project proponents for activities included within the Undertaking, regardless of the signatory status of the project proponent, if the project is carried out by or on behalf of DoD.
  4. For specific projects associated with the Undertaking that involve improvements to any off-installation roadways under the DAR Program, as described in the FEIS, the FHWA is separately responsible for ensuring compliance with Section 106 of the NHPA and is not subject to the other stipulations in this PA. FHWA will continue to consult with the appropriate SHPO and other consulting parties pursuant to Section 106 and its implementing regulations on any DAR projects necessitated by this undertaking until an agreement is reached or the process is resolved in accordance with 36 CFR §800.3-7.
  5. DoD, acting through CJRM, is responsible for ensuring that measures incorporated in the PA to address the cumulative effects on historic properties

of other reasonably foreseeable activities conducted on the islands of Guam and Tinian during the period of implementation of this PA are carried out, and that cumulative effects are taken into account during any supplementary consultations conducted for new actions or changes to existing projects under this PA for this Undertaking.

- E. In the future, if DoD proposes new actions or projects on Guam or Tinian that support the Undertaking but that are not listed in Appendix E to this PA, such actions will require supplemental review in accordance with the stipulations of this PA. DoD shall notify the Signatories, Invited Signatories, and Concurring Parties to this agreement in writing of the new project(s), then follow the procedures detailed in Stipulations IV and V of this PA. DoD shall also notify the public and other consulting parties (as may be identified at the time) of the proposed new actions or projects to resolve potential effects to historic properties through written notice and publication to a Cultural Resources Information public website (CRI). Agreements developed through supplemental consultation under this PA will be reported in the semi-annual report as required by Stipulation XII.A.
- F. As defined under 36 CFR § 800.16(l) historic properties addressed in this PA are prehistoric or historic districts, sites, buildings, structures, or objects included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. Consistent with the regulatory definition, this may include Traditional Cultural Properties, sacred sites, and culturally important natural resources determined to meet the National Register Criteria of Eligibility (36 CFR § 60.4).

## II. PROFESSIONAL STANDARDS

- A. All surveys, testing, and planning relating to archaeological resources in the form of archaeological sites, structures, and districts will be carried out by, or under the oversight or supervision of, a person or persons meeting the professional qualification for Archaeologist found in the SOI Professional Qualification Standards, 48 Federal Register (FR) 44716.
- B. All historic property surveys and eligibility determinations of built properties in the form of historic buildings, structures, sites, objects, and districts will be carried out by, or under the oversight or supervision of, a person or persons meeting the professional qualifications for Architectural Historian, Historian, or Historical Architect in SOI Professional Qualification Standards, 48 FR 44716.
- C. Traditional Cultural Property (TCP) studies and eligibility determinations will be carried out by, or under the oversight or supervision of, a person or persons having a graduate degree in Anthropology, History, or closely related field; documented experience or expertise involving Pacific Island cultures; and previous experience conducting TCP studies and evaluations.

- D. All historic property surveys and eligibility determinations for historic or cultural landscapes will be carried out by, or under the supervision of, a person meeting the professional qualifications for Historian 48 Federal Register (FR) 44716; or Historic Landscape Architect in the proposed SOI Qualification Standards, 62 FR 33720.
- E. DoD will use appropriate contract performance requirements, and/or appropriate source selection criteria for cultural resources contractors that shall include, but not necessarily be limited to, minimum qualifications for historic preservation experience and satisfactory prior performance, as appropriate to the nature of the work and the type of procurement, developed with the participation of DoD professionals meeting the standards of Stipulation II.B, for projects involving historic buildings, structures, and landscapes; Stipulation II.A, for projects involving archaeological resources; Stipulation II.C for projects involving TCPs; and Stipulation II.D for projects involving historic or cultural landscapes.

### III. OTHER AGREEMENTS

- A. The following agreement documents have been previously executed for DoD actions on the islands of Guam and Tinian. These agreement documents shall continue to apply for the circumstances for which they were developed until they should either expire or be terminated, and are not in any way superseded or invalidated by the stipulations related to the Undertaking contained herein. Similarly, the stipulations of the agreement documents listed below will not apply to the review or implementation of the projects comprising the Undertaking addressed in this PA.
  - 1. 2008 Programmatic Agreement Among the Commander, Navy Region Marianas, The Advisory Council on Historic Preservation, and the Guam Historic Preservation Officer Regarding Navy Undertakings on the Island of Guam.
  - 2. 2009 Programmatic Agreement Among the Department of Defense Representative Guam, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia and Republic of Palau, Commander, Joint Region Marianas, Commander, 36th Wing, Andersen Air Force Base, the Guam Historic Preservation Officer, and the Commonwealth of the Northern Mariana Islands Historic Preservation Officer Regarding Military Training in the Marianas.
  - 3. 2006 Memorandum of Agreement Between the United States Air Force and the Guam State Historic Preservation Officer Regarding the Northwest Field Beddown Initiatives at Andersen Air Force Base.

#### IV. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

- A. In planning for the Undertaking, DoD has conducted extensive archaeological and architectural surveys and evaluations, and, in consultation with the Guam and CNMI SHPOs, ACHP, NPS, and some Concurring Parties, applied the results to the siting/lay down of individual projects to avoid, minimize and mitigate effects to historic properties. DoD has provided documentation, as requested by the applicable SHPO, of these efforts to the Signatories and Invited Signatories. Appendix D provides a list of all archaeological and architectural surveys conducted as a part of the FEIS, an overview of completed surveys, areas of known sensitivity, and identified historic properties.
- B. DoD surveys and evaluations have focused on project-specific APEs, defined consistent with 36 CFR §800.16(d) to include those portions of the islands of Guam and Tinian subject to direct and indirect effects of projects included in the Undertaking, based on the current FEIS as shown and described in Appendix E. In the course of supplemental reviews pursuant to Stipulations IV and V of this PA, the Signatories and Invited Signatories may request that additional project-specific APEs be defined consistent with 36 CFR §800.16(d) to address potential direct and indirect effects of individual projects.
- C. In addition to the archaeological and architectural surveys and evaluations noted in Stipulation IV.A above, DoD has completed extensive archival research and oral history studies and interviews to identify traditional cultural properties, sacred sites, and culturally important natural resources such as the *donni sali*, *nunu*, *da'ok*, *dukduk*, *ifit* trees, and medicinal plants. DoD will provide to the appropriate SHPO a list of all archival research, oral history studies and interviews conducted as a part of the FEIS.
- D. For the majority of project areas included within the Undertaking, DoD has provided documentation of identification efforts and determinations of eligibility to the applicable SHPO, consistent with 36 CFR §800.4(b)(2) and §800.11. Appendix E summarizes the results of DoD's recommendations and status of SHPO review.
- E. Consistent with the process defined below, as part of each year's annual review of projects (see Appendix E), DoD will seek additional information from the Signatories, Invited Signatories, and Concurring Parties, and the public regarding historic properties in project areas associated with the Undertaking, prior to finalizing determinations of eligibility, consistent with 36 CFR §800.4(a)(3) and §800.4(b)(1). DoD will update Appendix E annually to reflect the review of such additional information on identification and evaluation of historic properties.
  1. Beginning in 2011, within 30 days of the formal submission of the Presidential Budget to Congress, DoD will provide information about military construction projects anticipated for the following fiscal year (October 1-



September 30). Military construction projects funded by the Government of Japan will also be evaluated at the same time.

- a. Notices to the public of availability of this information, ways to access the information, the duration of the public input period, and ways to provide input will be distributed through Public Service Announcements which utilize cable TV, radio, and newspaper media to reach the public. Notice to Signatories, Invited Signatories, and Concurring Parties will be made through direct written notice.
  - b. DoD will take into account all comments provided within 45 days of public notification of availability.
  - c. The list of projects provided to the public may change as the budget process moves through Congress. DoD will provide notice of any projects added to the budget and will take into account public input received within 45 days of such notification. Notification will occur through Public Service Announcements in the formats noted above. Notice to Signatories, Invited Signatories, and Concurring Parties will be made through direct written notice.
2. Within 30 days from the effective date of this PA, DoD will utilize a publicly accessible Cultural Resources Information (CRI) website to make information available to the public and request the public's input regarding the identification and evaluation of historic properties within project-specific APEs for direct and indirect effects. The website may be operated under a DoD contract. The website will provide information and appropriate supporting documentation regarding DoD's identification and evaluation efforts and findings, in order to provide the public opportunities to comment. Upon request, DoD will provide up to 30 printed copies of the information to the appropriate SHPO for distribution to interested parties who may not have access to the Internet.
- a. The CRI website will include supporting information regarding study areas, the scope of DoD identification efforts, and DoD's determinations of eligibility. The information will be presented to allow interested members of the public to provide comments on the identification and evaluation of historic properties. The website will include comments received during the comment period.
  - b. Confidentiality requirements under the Archaeological Resources Protection Act (ARPA) and NHPA prohibit Federal Agencies from publicly disclosing the exact nature and location of archaeological sites and other types of historic properties such as TCPs.

F. New Information. Solicitation, discussion, and review of additional information under this PA may be required when new information is received regarding the potential presence of historic properties; or when project areas listed in Appendix E have not been assessed for the presence of historic properties through onsite field surveys; or New project areas are introduced; or the APE for a project changes to incorporate previously unsurveyed areas.

1. Additional Findings

When new information or new areas are introduced consistent with part E of this stipulation, DoD will provide its findings in writing to the appropriate SHPO, who will have 45 days after receipt of DoD's findings to determine whether supplemental identification measures are warranted. If DoD and SHPO agree, or if SHPO does not comment within 45 days, DoD will proceed consistent with its findings. If the parties do not agree within 45 days from the date DoD provides its findings, DoD and SHPO will consult for an additional period not to exceed 15 days from the date SHPO provides DoD with notice of its objection. If consensus cannot be reached within 15 days, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision, and further disagreement, if any, will be addressed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 10 days of DoD's notice of decision

2. Work Plans

When SHPO and DoD concur in the need for supplemental identification and evaluation efforts, DoD will submit a work plan to the SHPO prior to conducting field investigations, such as archaeological testing, architectural surveys, other data collection, or ethnographic interviews.

- a. DoD will notify the Signatories of the submission of a work plan and, upon request, these parties may review work plans; however, data subject to Archaeological Resources Protection Act (ARPA) (16 U.S.C. 470hh) and NHPA (16 U.S.C. 470w-3) will be restricted consistent with those statutes DoD will consider comments from these parties in consultation with SHPO, as stipulated below in subpart b of this part.
- b. SHPO will comment on work plans provided by DoD within 45 days of the date such documentation is received by the SHPO. If SHPO concurs with the plan, DoD may proceed accordingly. If DoD has received no written comments from the SHPO within 45 days after submission of the plan to the SHPO, DoD may assume concurrence and proceed consistent with its findings.

- c. If SHPO disagrees with the work plan, SHPO will provide written notification to DoD within 45 days from the date SHPO received the plan. The notice should include the reasons for the disagreement and SHPO's proposed resolution. DoD will take SHPO's comments into account and advise SHPO of DoD's response. If the parties still disagree, DoD and SHPO will consult for an additional period not to exceed 15 days from the date of DoD's notice of proposed response. If consensus cannot be reached within 15 days, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision and further disagreement, if any, will be addressed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 10 days of DoD's notice of decision.

### 3. Reporting Results

The results of supplemental identification and evaluation efforts, if such efforts are required, will be submitted to the appropriate SHPO for review. DoD will submit the results to SHPO within three months of completion of supplemental work.

- a. In conducting supplemental identification and evaluation efforts, DoD will ensure that documentation consistent with 36 CFR §800.11 is submitted to the appropriate SHPO. The level of effort for identification of historic properties will be consistent with 36 CFR §800.4(b)(1) and published SHPO survey guidelines, if any, where these do not conflict with applicable federal guidelines.
- b. SHPO will comment on results provided by DoD within 45 calendar days of the date the documentation is received by the SHPO. If SHPO agrees with the results, DoD may proceed accordingly. If DoD has received no written comments from the SHPO within 45 days after submission of the results to the SHPO, DoD may assume agreement and proceed accordingly.
- c. If SHPO disagrees with the results, SHPO will provide written notification to DoD within 45 days from the date SHPO received the results. The notice should include the reasons for the disagreement and SHPO's proposed resolution. DoD will take SHPO's comments into account and advise SHPO of DoD's response. If the parties still disagree, DoD and SHPO will consult for an additional period not to exceed 15 days from the date of DoD's notice of its proposed response. If consensus cannot be reached within 15 days, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision, and further disagreement, if any, shall be addressed in

accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 10 days of DoD's notice of decision.

- G. DoD will provide appropriate supplementary data produced as part of identification and evaluation efforts for this Undertaking, which shall include official SHPO site/structure recordation forms and Geographic Information System (GIS) shapefiles if any are generated as part of the assessment or study, to the appropriate SHPO, ACHP, and the NPS (if a property is an NHL or if an NPS site is within the APE for direct and indirect effects for the project) upon completion of the project with the final report submission.
1. If any previously identified historic properties within the APE being investigated have been re-surveyed or additional information gathered, then DoD will update the forms for these properties consistent with the appropriate SHPO standards.
  2. The parties to this PA recognize that some of the data submitted, such as site locations in the form of maps or GIS files may contain sensitive information and are subject to the confidentiality restrictions imposed by ARPA (16 U.S.C. 470hh) and NHPA (16 U.S.C. 470w-3) and any other applicable Federal law or regulation.

## V. ASSESSMENT AND RESOLUTION OF ADVERSE EFFECTS

- A. For specific projects included within the Undertaking scheduled for award in Fiscal Years 2010 and 2011, DoD has provided documentation and consulted with the SHPOs on determinations of effect, and measures to avoid, minimize and mitigate adverse effects to historic properties, as follows:
1. Fiscal Year 2010 and 2011 Projects on Guam

Data supporting the determinations of effect for the projects listed in Table E-1 of Appendix E were first submitted to the Guam SHPO in 2009. In consultation with Guam SHPO that continued through August 2010, DoD has planned these projects to avoid, minimize and mitigate adverse effects to historic properties through avoidance and site redesign. Based on this prior consultation, DoD finds:

    - a. Projects P-204, P-1003, J-006, J-007, and J-008 will affect no historic properties.
    - b. Projects J-001, P-100, P-101, and J-017 will have adverse effects on historic properties. Consistent with Stipulation V.B.3 below, DoD will provide data

recovery plans subject to additional review prior to taking action that could affect these historic properties.

2. Fiscal Year 2010 and 2011 Projects on Tinian

Data supporting the determinations of effect for the projects listed Table E-3 of Appendix E were submitted to the CNMI SHPO in 2009. In consultation with CNMI SHPO that continued through August 2010, DoD has planned its projects to avoid and minimize adverse effects to historic properties through avoidance and site redesign. Based on this prior consultation, DoD finds the projects identified as T-1, T-2, T-3, and T-4 will adversely affect historic properties. DoD will provide data recovery plans subject to additional review consistent with Stipulation V.B.3 below.

3. Notification of Fiscal Year 2010 and 2011 Projects

DoD will post findings for the FY2010 and 2011 projects on the CRI website.

B. All projects on Table E-2 of Appendix E will be subject to further review to provide the Signatories, Invited Signatories, Concurring Parties, and the public with sufficient information to allow DoD and the respective SHPO to consult on the determinations of effect. The consultations for these projects will be carried out on an annual basis, in a three-step process that includes the parties to the PA and the public in review of identified historic properties and assessments of effect.

1. To facilitate public involvement in the annual review process, DoD will post to the CRI website the summary memoranda (PA Memos) for public inspection for the projects proposed for that fiscal year. Consistent with the measures defined below, DoD will provide PA Memos to the public for comment prior to DoD authorization of ground-disturbing activities or other actions with the potential to adversely affect historic properties. Notice to Signatories, Invited Signatories, and Concurring Parties will be made through direct written notice.
  - a. PA Memos will contain concise summaries of project information with a map showing the project footprint and results of cultural resources review, subject to the limitations defined under Stipulation IV.E.2.b.
  - b. Notices to the public of availability of this information will be distributed per the process in Stipulation IV.E.1.a.
2. If DoD finds that either no historic properties are present or that historic properties are present but the project will have no adverse effect on those properties, DoD will provide documentation of this finding to the respective SHPO. DoD will notify the respective SHPO and make the documentation

available for public inspection prior to approving the project, consistent with the following conditions.

- a. DoD will post PA Memos documenting findings on the CRI website and will provide 30 hard copies to the appropriate SHPO for distribution to Concurring Parties or the public.
  - b. DoD will take into account comments received within 45 days of the date of delivery of PA Memos to the appropriate SHPO and public notification via the CRI website. All comments received during the comment period will be posted on the CRI website. If no comments are received, DoD will proceed consistent with its findings.
  - c. If comments are received during the 45-day review period, DoD will consult with the appropriate SHPO for an additional period not to exceed 15 days with the goal of reaching consensus on the finding of effect. If the respective SHPO and DoD cannot agree within 15 days, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision and further disagreement, if any, shall be addressed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 10 days of DoD's notice of decision.
3. If DoD determines that a project will have adverse effects on historic properties, DoD will provide an opportunity for the parties to the PA and the public to comment on DoD's plan for resolving adverse effects.
- a. DoD will post PA Memos documenting its findings on the CRI website and via hard copy to the appropriate SHPO, and via hard copy to any other party upon request, subject to the limitations under Stipulation IV.E.2.b.
  - b. DoD will take into account comments received within 45 days of the date of delivery of the PA Memos to the appropriate SHPO and public notification via the CRI website. If no comments are received, DoD will proceed consistent with its findings.
  - c. If comments are received during the 45-day review period DoD will take the comments into account and consult with the SHPO for up to 15 additional days with the goal of reaching consensus on the resolution of effect. If the respective SHPO and DoD cannot agree within 15 days, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision, and further disagreement, if any, shall be addressed in accordance with Stipulation XIII.B. The party

referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 10 days of DoD's notice of decision.

4. DoD will maintain a record of findings made under this stipulation and provide information on findings to the parties to the PA and the public upon request, consistent with the confidentiality provisions under Stipulation IV.E.2.b.

### C. Guam Training Ranges

In an effort to continue refining measures to avoid, minimize and mitigate adverse effects on historic properties associated with the proposed construction and operation of training ranges on Guam, DoD will consult with the Signatories, Invited Signatories, Concurring Parties, and the public regarding potential adverse effects to historic properties. The consultation will address the location, orientation, design, and operation of the ranges within any area that may be selected in the Navy's Record of Decision (ROD) for the live fire training range complex.

#### 1. Review of the Range Location, Orientation, and Design

DoD will consult with the parties to the PA and the public to address range location, orientation, and design within any site that may be selected in the Navy's ROD for the live fire training range complex, in order to assess, avoid, minimize, and mitigate potential direct and indirect effects on historic properties. The review will include:

- a. Review and assessment of potential adverse effects on historic properties within the areas potentially adversely affected. The review and assessment will address potential direct and indirect adverse effects to historic properties, including the potential auditory effects of range operations, and will consider such options as limitation of firing exercises on weekends and holidays, the planting of indigenous trees such as the *donni sali*, *nunu*, *da'ok*, *dukduk*, *ifit* trees as a sound barrier, and other measures as may be appropriate for reducing adverse auditory effects.
  - i. DoD will provide information and documentation, pursuant to the Documentation Standards found in 36 CFR § 800.11, to the parties and the public in the same manner in which DoD will provide PA Memos pursuant to Stipulation V.B.3., and consistent with any applicable confidentiality restrictions imposed by ARPA (16 U.S.C. 470hh) and NHPA (16 U.S.C. 470w-3).
  - ii. DoD will take into account all comments received within 45 days of the date the information is made available to the public. If no comments are

received, DoD will proceed consistent with its findings. If comments are received, DoD will notify SHPO of DoD's findings and proposed response to comments, and consult for up to 15 additional days to reach agreement. If SHPO concurs with the DoD's findings, DoD may proceed consistent with its findings.

- iii. If SHPO disagrees with DoD's findings, SHPO will provide written notification to DoD within 15 days from the date SHPO received DoD's findings and proposed response to comments. The notice should include the reasons for the disagreement and SHPO's proposed resolution. DoD will take SHPO's comments into account and advise SHPO in writing of DoD's response. If the parties cannot agree, DoD will provide written notice to the Signatories, Invited Signatories, and Concurring Parties of DoD's decision, and further disagreement, if any, shall be addressed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 10 days of DoD's notice of decision.

## 2. Consider New Information

If new information on alternate locations for the live fire training range complex outside those assessed in the FEIS is provided by the Signatories, Invited Signatories, Concurring Parties, or the public while engaging in the review process stipulated here, DoD will review that new information and determine whether supplemental analysis is warranted under NEPA and NHPA. In determining whether new information warrants supplemental analysis DoD will:

- a. Apply the Suitability and Feasibility Criteria (SFC) defined in the FEIS to evaluate the potential viability of a new location for the live fire training range complex.
- b. If new proposals meet the SFC, DoD will conduct planning level cultural and natural resources reviews and consultation with the Signatories, Invited Signatories, Concurring Parties consistent with Stipulation V.C.1 to further assess the viability of the location.

## 3. Ensure Access to Pagat Village and Pagat Caves

If DoD selects an alternative for the range complex in the Route 15 area as noted in the FEIS, DOD commits to providing 24 hour a day/seven day a week unimpeded access to the Pagat Village and Pagat Cave historical sites, as part of the measures to avoid, minimize and mitigate impacts on historic properties. DoD will adjust proposed range layout plans to continue unfettered access to



these important historical and cultural locations.<sup>5</sup> Pagat cave, Pagat village, and the existing path to these sites would not be included in the footprint of the complex or the surface danger zone for the ranges, and full ownership of these properties would remain with the Government of Guam.

#### 4. Develop Range Mitigation Plan

If the Guam range review process outlined above results in a determination of adverse effect, DoD will develop a Range Mitigation Plan (RMP) stipulating measures to avoid, minimize and mitigate adverse effects, as applicable. The RMP will also include a plan for access consistent with Stipulation VI.C.2, or provisions for amending an existing access plan, to include opportunities for access to culturally sensitive locations that would be constrained by construction or operation of the proposed training ranges.

- a. DoD will provide drafts of the RMP to the Signatories, invited Signatories, and Concurring Parties. DoD will take into account all comments received from those parties within 45 days of distributing the draft language. If no comments are received during the comment period, DoD will finalize the RMP for signature.
- b. The RMP will be effective upon signature by DoD, USMC, ACHP, and SHPO.
- c. If the Signatories cannot agree on the content of the RMP, DoD will consult with the parties for an additional period of up to 15 days. If the parties cannot agree within 15 days, DoD will document its decision in writing to the Signatories, Invited Signatories, and Concurring Parties, and any remaining disagreements will be resolved in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 10 days of DoD's notice of decision.

## VI. GENERAL MITIGATION MEASURES

### A. Mitigating Adverse Effects on Historic Properties

In the event that DoD proceeds with any project that will have an adverse effect on any historic properties as determined after following the procedures set forth in this PA, DoD will follow these general mitigation measures with respect to such projects. Mitigation measures for adverse effects on historic properties will adhere to the SOI Standards and Guidelines of for the Treatment of Historic Properties.

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<sup>5</sup> Navy Under Secretary Robert O. Work. Letter to the Honorable Eddie Baza Calvo, Guam Governor, February 7, 2011

1. Prior to conducting any mitigation measures, including archaeological data recovery excavations, DoD shall submit a mitigation plan to the appropriate SHPO in writing, and shall consult with the other Signatories and Concurring Parties if requested.
  - a. For archaeological sites, the mitigation plan will incorporate provisions for data recovery consistent with the ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" (Appendix F), and consistent with confidentiality restrictions imposed by ARPA (16 U.S.C. 470hh) and NHPA (16 U.S.C. 470w-3).
  - b. Data recovery excavations will be considered standard mitigation for any historic property that is strictly archaeological in nature and will be adversely impacted. Procedures under Stipulation VI.B will be followed.
  - c. Mitigation plans will include the standard operating procedures for Inadvertent Discovery for archaeological materials and human remains included in Appendices F and G of this PA.
  - d. DoD will consider comments received within 45 days of delivering a mitigation plan. If no comments are received within 45 days DoD may proceed with the project in accordance with the plan. Should SHPO disagree, the SHPO shall provide in writing to DoD the objection and any proposed revisions to resolve the objection. DoD will consult with the SHPO for an additional 15 days to resolve any disagreement. If the consultation fails to result in agreement within 15 days, DoD shall advise the Signatories, Invited Signatories, and Concurring Parties of its decision, and further disagreement will proceed in accordance with Stipulation XIII.B. The party referring the matter for resolution under Stipulation XIII.B must provide DoD with written notification of the referral within 10 days of DoD's notice of decision.

## 2. Data Recovery Reports

DoD shall submit reports of archaeological data recovery projects to the appropriate SHPO for a 45-day review prior to being finalized. Hard copies of final documents will be given to the appropriate SHPO to archive in their research library with the understanding that these reports may contain sensitive information

## B. Public Education and Interpretation

DoD, in coordination with the Signatories, Invited Signatories, and Concurring Parties, will use the information developed or data recovered during

implementation of the mitigation plan to develop the following types of educational materials for the public.

1. An information package in booklet form in English and Chamorro, and posted on the CRI website, that includes images, a summary of the work done, including a summary of any excavations, materials and data recovered, and a statement of the significance of the site to the regional culture. 100 copies of the booklets shall be provided to the appropriate SHPO for distribution to the public. When requested by SHPO, DoD shall provide additional copies of the booklet up to a total 1,000 additional copies.

C. Enforcement of Construction Contractor Measures

Where DoD enters into a contract that involves a project for the Undertaking covered by this PA with the potential to affect historic properties, DoD will include stipulations in that contract to the effect that the contractor must follow the guidance set out in the scope of work regarding historic properties. These stipulations will incorporate pertinent portions of the PA or similar language as an enforceable part of the underlying contract consistent with the Federal Acquisition Regulations (FAR). Where applicable, the contract will include stipulations that the contractor will comply with all Guam laws including, without limitation, permitting and historic preservation laws will attach a copy of 21 Guam Code Annotated (GCA) § 76511 as an appendix to the contract.

D. Indirect Effects on Historic Properties

1. Cultural Resources Awareness

As a best management practice to reduce the potential for certain types of possible indirect adverse effects on historic properties (such as increase in population or visitation in areas where historic properties are located), DoD will conduct initial orientation briefs for all incoming DoD personnel, their families, and contractors dealing with the sensitivity of the historic properties in the area. All DoD personnel and contractors working on Guam and Tinian will receive annual briefings. DOD will develop the briefing in consultation with the appropriate SHPO and will provide SHPO with a copy of the final briefing paper.

2. Access to Historic Properties on DoD Lands

In recognition of the significance that many historic properties located within DoD installations have to various cultural and historical groups and organization on Guam and the CNMI, and acknowledging that restrictions on access to historic properties may constitute indirect effects, DoD will manage public access to historic properties as outlined below.

- a. Access Plans. For DoD-controlled lands on Guam and Tinian, DoD will develop plans for regular public access to historic properties. These plans will be developed in coordination with the Signatories, Invited Signatories, Concurring Parties, and interested public. The access plans will address considerations including but not limited to public interest, public safety concerns and protocols, installation security, emergency situations and standard operating procedures, and contact information for the Access Plan Coordinator (APC). DoD will initiate discussions with the parties to the PA and the public to develop access plans within 120 days from the effective date of this PA.
  - i. Input received through coordination with the public and interested parties, combined with observations of previous use/attendance of the area, will be used by DoD to develop the access plans. Factors such as special requirements or optimal times for specific activities (such as *suruhanus* collecting their medicinal plants) and for groups and individuals who have a historical connection to a particular traditional cultural property or historic site, and groups and individuals who have a scientific and educational need to study these areas will be integrated into the access plans.
  - ii. DoD commits to provide escort support on an as-needed basis to facilitate visitation to historic sites on DoD property on Guam, subject to public safety and base security requirements. The DoD access plans will identify opportunities for access to historic sites in a tiered process commensurate with site-specific characteristics, such as difficulty of terrain and resource sensitivity. For sites more difficult to reach or involving special safety and security considerations, DoD will require escorted access upon advance notification; for sites easier to reach, DoD will provide less restrictive access procedures, including possible unescorted access and shorter advance notice. The tiered access process and escort commitments will be finalized in the access plan and updated annually based on experience and public feedback.
  - iii. Once the access plans are completed, DoD will provide a copy to the appropriate SHPO, publish the plans at local libraries and post the plans on the CRI and DoD websites. Further, DoD will notify the public of available access to DoD controlled lands through mass media (such as local newspaper, radio, television, internet) on a regular basis. Notice to Signatories, Invited Signatories, and Concurring Parties will be made through direct written notice. DoD will review the access plans for possible amendment with the Signatories, Invited Signatories, Concurring Parties and interested public no more frequently than on an annual basis if a request is made.

- iv. Reasonable efforts will be made to accommodate access outside of established access hours noted in the access plan for cultural purposes, scientific investigation, and educational opportunities. Requests outside the established access hours will be considered in light of military operational requirements, anti-terrorist/force protection security conditions, and current DoD and installation security instructions and other guidelines.
    - b. To facilitate timely responses for access requests and publications of general access notifications, DoD will designate an individual on the staff of Joint Region Marianas to serve as the APC for this PA.
    - c. Should the sufficiency of access be disputed by any parties to the PA or the public, the disputing party(ies) may submit a description of the concern in writing to the APC. Within 7 days, the APC will contact the parties involved to develop a plan for addressing the dispute. If necessary, the APC will coordinate with the CRM, CJRM, and the concerned party(ies) and will attempt to resolve the dispute. If the dispute cannot be resolved, the APC and CRM will consult with the disputing party(ies) for up to 15 days to attempt to resolve the concern. The results of such dispute resolution efforts will be included in the reporting described below in Stipulation XII.
  3. In recognition of culturally important natural resources, highly forested areas were avoided during the early planning process for the Undertaking. However, in places where impacts cannot be avoided to such resources, DoD will coordinate with the appropriate SHPO and Concurring Parties to contact traditional natural healers, herbal practitioners and healers, and traditional artisans and provide them an opportunity to safely collect these resources consistent with applicable DoD and installation security instructions and other safety related guidelines.
  4. If *suruhanus* request installation access for medicinal plant collection, DoD will afford access consistent with applicable DoD and installation security instructions and other safety related guidelines for individuals that practice traditional healing methods and allow medical plant collection if the plants collected are not threatened or endangered species. All such requests for access, allowances of access, and methods or manners of access will be conducted in accordance with the access plans discussed in VI.C.2 above.
- E. Cumulative Effects on Historic Properties

DoD recognizes that the projects comprising the Undertaking, when combined with other reasonably foreseeable projects conducted by DoD, other federal agencies, and other public, private, and SPE entities may have cumulative effects on historic

properties on the islands of Guam and Tinian, inclusive of historic properties on private, public, or other federal agency lands. The specific measures to mitigate cumulative effects resulting from the Undertaking are outlined in Stipulations VII and VIII below.

F. Professional Oversight

DoD will retain a full-time Archaeologist throughout the life of the construction program of this Undertaking to provide site checks, oversee coordination and execution of the archaeological mitigation measures in the PA and to provide quality control. This person shall support the CJRM in responding to and reporting of any inadvertent discoveries to the Signatories, Invited Signatories, and Concurring Parties per Stipulation XII.

G. Update of Guam Historic Properties Information

DoD will update the Guam Historic Properties Inventory data form for all historic properties on Appendix E, as amended. Additionally, DoD will update existing Guam Register of Historic Places and National Register of Historic Places nomination documents for all DoD properties in coordination with Guam SHPO.

VII. PROJECT OR AREA-SPECIFIC MITIGATION FOR GUAM

A. The following mitigation will be conducted for those specific projects within the Undertaking whose effects cannot be avoided. As previously noted, DoD will coordinate with the Signatories, Invited Signatories, and Concurring Parties to identify additional means of avoiding or minimizing adverse effects to historic properties.

B. Mitigation for Direct and Indirect Effects for Known Historic Properties

1. Naval Base Guam - South Finegayan Naval Housing

DoD will preserve and protect South Finegayan Naval Housing Latte Stone Park (Site 66-08-0811) from potential indirect adverse effects by placing informational signage within the existing interpretive kiosk located near the site. DoD will contract the design and installation of the signage. Guam SHPO will review the contents of the signage prior to installation.

2. Naval Munition Site (NMS)

DoD will ensure that NMS access activities conducted as part of the Undertaking will not change the routes or configuration of the existing access trail for the Southern Mountains (Mount Lamlam and Mount Humuyong Manglo). DoD access activities are expected to occur approximately one week

per month when DoD personnel use the trail to hike in and out of the NMS area. However, the trail will be open to pedestrians during all other times when the route is not in use by DoD, including the annual Good Friday procession. Pedestrian use of the trail by the DoD will not be addressed as a potential adverse effect to the viewshed of the Southern Mountains.

C. Mitigation for Cumulative Effects

1. In recognition that projects included within the Undertaking, combined with other DoD, federal agency, private, public, and SPE activities on the Island of Guam may have collective or cumulative effects on historic properties, DoD will complete as mitigation the programmatic measures listed in parts C.2 through C.4 of this Stipulation.
2. Update of Guam Comprehensive Historic Preservation Plan and Guam Synthesis Study

Guam SHPO has requested that DoD support SHPO's update to the 2012 Guam Historic Preservation Plan (GHPP) in accordance with SOI Standards and Guidelines for Preservation Planning as part of its five-year planning cycle and continue to do so every 5 years for the life of this agreement. Subsequent to completing the 2012 GHPP, DoD will prepare a stand-alone Guam Synthesis Study, and will subsequently update the Guam Synthesis with information from DoD studies in concert with the GHPP starting in 2017. For both the GHPP and the Guam Synthesis Study, DoD will synthesize data from inventory and evaluation efforts completed for the Undertaking with existing data available in reports, recordation forms, maps, and other archival sources on Guam and provide the information to the Guam SHPO. Data provided by DoD will supplement the existing historic and prehistoric contexts and provide baseline information on the status of identification and evaluation efforts on Guam.

3. National Register Nominations

As part of its compliance responsibilities under Section 110 of the NHPA, DoD will nominate two or more historic properties on DoD lands on Guam or listing on the National Register of Historic Places per year for as long as this PA is in effect per Stipulation XVII, or until all historic properties on DoD lands have been nominated. DoD will consult with the Guam SHPO to determine priorities for nomination.

4. Guam Museum Measures

DoD is committed to implementing measures to mitigate cumulative effects on historic properties that may result from this Undertaking. DoD commits to implement the following measures:

- a. DoD recognizes that a Guam Cultural Repository facility would provide a repository for curation of archaeological properties on Guam and serve as a source of information on Guam history and culture. DoD supports the recommendation of the Economic Adjustment Committee (EAC) for construction of a 20,000 square foot curation facility to provide critically needed curation capacity to the Government of Guam. Construction of the facility will supplement and enhance other measures set out in this document to avoid, minimize, and mitigate potential adverse cumulative effects of the Undertaking. Therefore, as submitted in the President's FY 2012 budget, consistent with the recommendation of the EAC, DoD commits to seeking Congressional authorization and appropriation to transfer DoD funding to another federal agency with authority to support the construction of a Guam Cultural Repository.
- b. In addition to the Guam Cultural Repository facility addressed above, DoD will also advocate to other Federal agencies to fund a complete museum complex on Guam to house and display Guam's unique cultural artifacts for the public's benefit.
- c. Should Congress not authorize the transfer referenced above in the FY 2012 budget, DoD will reinitiate consultation with the parties to this PA to address this aspect of proposed mitigation of cumulative effects. Within 30 days of receiving confirmation that the appropriation has not been authorized, DoD will resume discussions with the parties to this PA to consider alternate funding methods to support construction of a Guam Cultural Repository, with the intent to resolve this issue within 90 days of the start of those discussions. Alternatives that will be reviewed will include, but not be limited to, considering construction of comparable facilities on DoD lands or obtaining a DoD property interest on mutually agreed upon site for construction, in accordance with Section XIII of this PA.
- d. DoD will conduct an inventory of DoD records in consultation with the Guam SHPO and the Department of Chamorro Affairs (the Guam Museum) to identify cultural materials removed from Guam to other locations throughout the United States. DoD will provide Guam SHPO with the Curation Assessment produced under Stipulation X.C of this agreement and will commit to return all Guam collections within DoD control to Guam for curation, consistent with Stipulation X.

D. National Park System on Guam

DoD will continue to coordinate with the NPS to determine the potential indirect adverse effects associated with the Undertaking on historic properties within the National Park System on Guam, including properties comprising the War in the



Pacific National Historical Park. To assess these effects, DoD will provide NPS with the data compiled under item C.2 of this Stipulation as baseline information. If project reviews during the Annual Workshop, (Stipulation XII.B.) lead to the identification of adverse effects in the future, then DoD, in coordination with the Signatories, Invited Signatories, and Consulting Parties will develop appropriate mitigation measures based on the evaluation and resolution of effects.

#### VIII. PROJECT OR AREA-SPECIFIC MITIGATION FOR TINIAN

- A. The mitigation measures listed in parts B and C of this Stipulation will be implemented for those specific projects within the Undertaking on the Island of Tinian for which direct and indirect effects to historic properties cannot be avoided. As previously noted, DoD will work with the CNMI SHPO, Signatories, Invited Signatories, Concurring Parties, and the public to identify additional means of avoiding or minimizing adverse effects to historic properties.
- B. Mitigation for Direct and Indirect Effects
  - 1. A Cultural Landscape Report (CLR) for the Tinian NHL detailing its history and significance through time has been completed. The CLR is the most recent research and analysis of the historic character of the landscape of the NHL and its larger setting, and thus augments the existing management plan for the NHL. DoD has provided copies of the final CLR to NPS and CNMI SHPO. DoD will implement recommendations from the CLR that do not conflict with current range safety, range management, or natural resources requirements. DoD will consult with NPS and CNMI SHPO to determine appropriate cooperative measures for managing the NHL, including updating the nomination. Within 90 days of the effective date of this PA, DoD will consult with NPS and CNMI SHPO to develop a cooperative agreement to support appropriate measures to maintain access to NHL contributing elements.
  - 2. Data Recovery
    - a. Although historic records indicate that the remains in the Camp Churo/Chulu also known as “Old Village” cemetery (Site TN0034) were moved, a Ground Penetrating Radar study of the former cemetery will be conducted prior to range construction. The CNMI SHPO will have 45 calendar days to review the work plan prior to the start of the study.
    - b. If the CNMI SHPO disagrees with the work plan, the CNMI SHPO shall advise the CRM in writing of the reasons for the disagreement within 45 calendar days from receipt of the plan; otherwise, DoD can proceed with the project in accordance with the plan.

- i. If remains are discovered, then the applicable Standard Operating Procedures (SOP) specified in Appendix G will be followed. The CNMI SHPO and other Concurring Parties shall have 45 calendar days to review the report detailing the results of the study before it is finalized.
  - ii. If the CNMI SHPO or Concurring Parties disagree with the report, the CNMI SHPO shall advise the CRM in writing of the reasons for the disagreement within 45 calendar days from receipt of the report; otherwise, concurrence may be presumed. DoD will take into account any timely objections in finalizing the report.
  - iii. DoD will provide one hard copy and one electronic copy of the final report to the CNMI SHPO.
- c. Archaeological data recovery excavations will be completed for any historic properties (Sites TN0002, TN0034, TN606, TN0619, 5007, 5009, 5011, 5012, 5022) subject to direct adverse effects by the Undertaking (see Stipulation VI.A). These data shall be synthesized into a series of publications as defined in Stipulation VIII.B.3.

### 3. Publications

- a. DoD will consult with the CNMI SHPO to develop the format of a Thematic Synthesis that will be generated from information gathered from data recovery efforts in the area of the proposed ranges on Tinian. Optimally, three thematic publications, for Camp Churo/Chulu, Japanese Farmsteads, and West Field will be produced. However, if the information recovered for these properties is not sufficient for volumes, a single combined synthesis will be completed.
  - i. DoD will provide copies of the synthesis to the CNMI SHPO and other consulting parties who request to review the document. These parties shall have 60 calendar days to review the document(s) before they are finalized. If the CNMI SHPO and Concurring Parties disagree with the document, the CNMI SHPO and Concurring Parties shall advise the CRM in writing of the reasons for the disagreement within 60 calendar days from receipt of the plan; otherwise, concurrence will be presumed 60 calendar days after submission of the documents to the CNMI SHPO and Concurring Parties. DoD will take into account any timely objections in finalizing the report.
  - ii. The publication(s) will consist of a glossy soft cover booklet(s) or similar format. DoD will produce a total of 300 hard copies that will be divided between the NPS and CNMI SHPO for dissemination to various other institutions (such as local high schools or community colleges) or

agencies that promote the history and culture of the CNMI. A master digital version for reprints or for posting on the Internet will be provided to both the NPS and the CNMI SHPO.

- b. DoD will update the Navy's Self-Guided Tour of Historic North Tinian pamphlet based on ideas and suggestions gathered during public consultation meetings held on Tinian and Saipan in 2009 and information compiled within the Tinian CLR.
    - i. DoD will provide copies of this document to the CNMI SHPO and other consulting parties who request to review the document. These parties shall have 60 calendar days to review the document before it is finalized. If the CNMI SHPO and Concurring Parties disagree with the document, the CNMI SHPO and Concurring Parties shall advise the CRM in writing of the reasons for the disagreement within 60 calendar days from receipt of the plan; otherwise, concurrence may be presumed.
    - ii. A total of 1000 hard copies of the pamphlet will be produced and provided to the NPS and CNMI SHPO for dissemination to various other institutions (such as the Visitor's Bureau) or agencies that promote the history and culture of the CNMI. A master digital version for reprints or for posting on the Internet will be provided to both the NPS and the CNMI SHPO. The CRM in charge of an installation will receive 500 of the hard copies of the pamphlet.
  - c. In addition, DoD will prepare a training module subject to review by the SHPO, for training of individuals doing work on Tinian for the Undertaking, in order to increase awareness and sensitivity. The module shall be required training for DoD personnel and contractors.
4. Access to Military Leased Lands in North Tinian
- a. In developing the design of the proposed training ranges on Tinian, DoD will site the ranges in such a way that would allow Eighth Avenue to remain open. This proposed range configuration will allow the public access to the historic properties located in North Tinian including the Tinian NHL even when the new ranges described in the FEIS are in use. Broadway Avenue will remain open when the new ranges are not in use. DoD does not currently have an alternative access plan for those periods when Eighth Avenue or Broadway Ave are impassable due to rain, but agrees to work with the CNMI SHPO and NPS to provide suitable alternatives.

C. Cumulative Effects Mitigation

1. DoD is committed to implementing measures to mitigate cumulative effects on historic properties that may result from the Undertaking. In recognition that the Undertaking, combined with other DoD, federal agency, private, and public actions on the Island of Tinian may have collective or cumulative effects on historic properties, DoD will complete as mitigation the programmatic measures listed in subparts C.2 and C.3 below:
2. National Register Nominations
  - a. As part of its compliance responsibilities under Section 110 of the NHPA, DoD will help the CNMI SHPO nominate one or more historic properties on DoD controlled lands on Tinian for listing on the National Register of Historic Places per year, as long as this PA is in effect per Stipulation XVII or until all historic properties on DoD lands are listed, whichever comes first.
  - b. DoD will coordinate with the NPS to update the Tinian NHL historic district, based on the results of the Tinian CLR.

3. Other Measures

DoD recognizes the importance of a permanent CNMI curation facility on Saipan and a cultural and interpretive center on Tinian to display artifacts recovered from sites on Tinian. Therefore, DoD will seek to include as part of upcoming presidential budget submission a request for Congressional authorization and appropriation to transfer a total of \$1.7 million in DoD funds to another federal agency with authority to support new construction or renovation of existing buildings as follows:

- a. \$1.2 million to construct or rehabilitate an appropriate permanent curation facility on Saipan meeting the requirements of 36 CFR part 79. Such a facility would provide a critically needed repository for archaeological collections and related information on historic properties that can highlight and educate the public on cultural resources.
- b. \$500,000 to support new construction or renovation of an existing building as selected by the Mayor of Tinian for use as a cultural and interpretive center on Tinian. This type of facility would provide a valuable opportunity to interpret information on historic properties and serve to highlight and educate the public on Tinian's history.
- c. Should Congress not authorize such appropriations or transfer of authority, within thirty (30) days of receiving confirmation that the appropriation has

not been authorized DoD will reinitiate discussions with the parties to this PA to address mitigation of cumulative effects. DoD will consult with the parties to consider resubmission of the request or other measures with the intent to agree on an alternate plan for the mitigation within ninety (90) days of the start of those discussions, or in accordance with Stipulation XIII of this document.

## IX. SHPO CAPACITY

- A. DoD recognizes that the additional workload associated with the Undertaking and its effects may exceed current capacity of the Guam and CNMI SHPOs to carry out their responsibilities under Guam and CNMI law, the NHPA and this PA. DoD is unable to directly fund Guam and CNMI SHPO responsibilities, but commits to work cooperatively with the SHPOs to reduce workload.
1. DoD will designate two liaisons, one at each Guam and CNMI SHPO office, who are experienced in the Section 106 process, to serve as the principal point of contact and to assist with coordination, communication, and documentation preparation and review during the construction phase associated with the Undertaking. The liaisons shall be full-time personnel and duty-stationed at the SHPO offices no less than 20 hours per week. These individuals shall be responsible for ensuring that all DoD requests for review and/or concurrence by the SHPO staff are sufficiently documented by DoD per 36 CFR §800.11(e) and (f). In addition, the liaisons shall consolidate and coordinate DoD cases for SHPO review. If at any time either SHPO identifies a significant shortfall in liaison support and notifies DoD in writing, DoD agrees to consult with the SHPO to provide additional support or to adjust the pacing of project submittals, as jointly agreed to meet the DoD workload. The SHPOs and DoD will cooperate to provide suitable work spaces for the liaisons.
  2. If DoD and the SHPO disagree on whether additional liaisons are required, either DoD or the SHPO may refer this matter for resolution under Stipulation XIII.B.
  3. DoD will equip the liaisons with a computer and GIS software, and other necessary items and supplies to expand the Guam and CNMI SHPOs' ability to incorporate GIS data in their own management systems. While DoD cannot supply the SHPOs with GIS software, DoD can provide viewer access to GIS data associated with DoD projects to assist the SHPOs' overall capacity for managing their cultural resources data.
  4. In coordination with the Guam and CNMI SHPOs, DoD will conduct annual reviews to assess the effectiveness, utilization, and planning of future requirements for the liaison positions and associated resources.

- B. DoD also commits to support in writing any appropriate request to Congress by the SOI to increase the appropriations for the Historic Preservation Fund (HPF) and will encourage the NPS in writing to review the allocation of funds from the HPF to the Guam and CNMI SHPO in light of the increased workload.

## X. CURATION

- A. Curation for those archaeological collections generated as a result of the studies completed for this Undertaking or as a result of data recovery activities will be undertaken in accordance with the terms of 36 CFR part 79 and the stipulations listed in parts B through D of this Stipulation.

- B. Curation of Materials Found in Guam: Lands Held by DoD Under Less than Fee Simple Ownership

- 1. All archaeological materials (artifacts, midden, ecofacts, manuports, etc.) collected during the course of the Undertaking from lands held by DoD under less than fee simple ownership on Guam shall, consistent with federal law, be transferred to the Guam Cultural Repository facility, once it is constructed, and before construction to the Guam Museum, either in its current leased location or in its new facility once it is constructed, for curation pursuant to Guam law. DoD will negotiate an appropriate fee structure for curation of the collections. Should the Guam Museum or the Guam Cultural Repository facility be unable to accept the materials, the agreement for curation of materials collected on DoD lands (per X.C below) shall apply.

- C. Curation of Materials Found on Guam: Lands Owned by DoD

- 1. Curation Assessment

A project to assess the current state of DoD archaeological collections on Guam with a specific emphasis on areas that will be affected by the Undertaking is in progress by DoD. A draft of the report will be provided to the Signatories, Invited Signatories, and Concurring Parties when it is complete. The study will predict the amount of curation space that will be needed for the archaeological collections generated by the Undertaking, and will provide information on the condition of existing DoD collections, the current and future capacity of curation facilities on Guam and how well those facilities meet the standards of 36 CFR part 79.

- 2. Curation Facility

Based on the results of the Curation Assessment completed per Stipulation X.C.1, DoD will select the appropriate repository location(s) on Guam meeting the standards of 36 CFR part 79 for archaeological materials collected during

the Undertaking. Where applicable, DoD will pay negotiated fees for curation of the collections.

- a. DoD will provide for curation of collections generated by the Undertaking on Guam at appropriate curation facility(ies) and maintain control of the materials until a permanent, consolidated curation facility meeting the standards of 36 CFR part 79 is available. If DoD facilities are inadequate to properly curate the materials, DoD will negotiate an agreement and appropriate curation fees with NPS for the use of its facility for temporary storage.
- b. When Guam has completed construction of a curation facility meeting the standards of 36 CFR part 79, DoD will transfer its collections to the Guam Cultural Repository facility and enter into a cooperative agreement with Guam for the purpose of curating the collections at that facility on behalf of DoD. DoD will pay negotiated fees for curation of the collections.
- c. If, after five years, the Guam Museum has been unable to provide a permanent curation facility, DoD will construct a federal curation facility on lands in which DoD has a real property interest to house collections from DoD lands. Depending on where it is constructed and how construction is funded, this facility could also house collections from other federal agencies. The facility would be designed and staffed to meet the standards of 36 CFR part 79 and shall be publicly accessible for education, scientific and research purposes.

#### D. Curation of Materials Found on Tinian

##### 1. Curation Assessment

A project to assess the current state of DoD archaeological collections in the CNMI with a specific emphasis on areas that will be affected by the Undertaking is in progress. A draft of the report will be provided to the Signatories, Invited Signatories and Concurring Parties when it is complete. This study will address the archaeological collections that may be generated by the Undertaking from lands on Tinian, the condition of existing DoD collections, the current and future capacity of curation facilities in the CNMI, and how well those facilities meet the standards of 36 CFR §79.

2. All archaeological materials (artifacts, midden, ecofacts, manuports, etc.) collected during the course of the Undertaking on Tinian shall, consistent with federal law, be transferred to the CNMI Museum for curation. DoD will enter into a cooperative agreement with the CNMI Museum within 90 days of the effective date of this PA for preparation and accessioning of the collections.

3. DoD will negotiate with the CNMI Museum to develop an appropriate fee structure for the curation of the collections resulting from the Undertaking in the CNMI, which the CNMI Museum may use to address its curation capacity.
4. Under an appropriate loan agreement with the CNMI Museum, display quality artifacts will remain on Tinian for tourism displays and educational purposes.

## XI. DISCOVERIES AND EMERGENCIES

- A. As noted in Stipulation VI.E above, a DoD Archaeologist will monitor ground disturbing projects with the potential to affect historic properties, oversee coordination and execution of the mitigation measures outlined in the PA, and provide quality control. The Archaeologist will be responsible for supporting the CJRM in managing any inadvertent discoveries and emergencies consistent with the procedures defined below. If during the performance of the Undertaking, previously unknown archaeological sites are discovered and are not accounted for in an archaeological monitoring plan, then:
  1. Any activities within the immediate area will be halted, and reasonable measures will be taken to avoid or minimize impacts to the discovery pending further review under subpart 2 of this Stipulation.
  2. The DoD Archaeologist will evaluate the discovery to assess potential effects. DoD will determine what actions can be taken to resolve adverse effects, if any, and notify the appropriate SHPO and ACHP within 48 hours. The notification shall describe DoD's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects, if any are identified. The SHPO and the Council shall respond within two working days of the notification. DoD shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. DoD shall provide the SHPO and ACHP a report of the actions when they are completed.
  3. Should any discoveries be evaluated as eligible for listing on the NRHP and preserved in place, then management of such historic properties will be incorporated in the next annual revision of the ICRMP developed in consultation with the appropriate SHPOs, and their locations plotted on the installation GIS and provided for use in the SHPO's GIS.
- B. If during any part of the Undertaking, human remains are discovered, the applicable Standard Operating Procedures specified in Appendix G shall be followed.
- C. In the event that natural disasters (such as typhoons or tidal waves), fires, sudden disruptions of utilities service, spill events or other emergency events occur, the appropriate CRM may take immediate actions to preserve life and property without



appropriate review under this PA prior to carrying out such emergency actions. However, emergency response work will take into consideration that historic properties may be affected by recovery or emergency efforts. When possible, such emergency actions will be undertaken in a manner that does not foreclose future preservation or restoration of historic properties. The CRM will notify the appropriate SHPO by telephone of the emergency and will follow up with written documentation if any historic properties were discovered or disturbed by the emergency efforts. Consultation under this PA with the appropriate SHPO will be conducted as soon as practical based on the emergency circumstances.

## XII. REVIEW

- A. In December and June of each calendar year after the PA is executed, or on an alternate schedule agreed to by the Signatories and Concurring Parties should projects be delayed, DoD shall prepare a report itemizing the review activities carried out pursuant to this PA. These reports shall be provided to the Signatories and Invited Signatories and to the Concurring Parties upon their request. The report shall consist of eight sections noted as follows:
1. Section I shall include a list of all individual projects (as identified in Stipulation V.A) completed within the six-month reporting period that were determined to qualify for findings of No Historic Properties Affected or No Adverse Effect on Historic Properties. This list shall include the date of approval by the CRM and description of the project scope.
  2. Section II shall include a list of all individual projects (Stipulation V. completed within the six months for which supplemental consultation under this PA has been conducted, including the determination of effect and any mitigation measures identified.
  3. Section III shall include any additional coordination under this PA initiated (Stipulations I.D and I.E) within the past six months as a result of changes or additions to the Undertaking. DoD shall provide a summary showing the project name, date of adverse effect notification and status of consultation.
  4. Section IV will provide a summary of progress on the implementation of mitigation measures specified in Stipulations VI, VII and VIII.
  5. Section V will include a list of projects to be completed in the next reporting period, including the determination of effect and any mitigation measures required.
  6. Section VI shall include maps showing the project areas and DoD project numbers, as well as any portions of the APE where sensitivity designations have been changed as a result of further identification and evaluation efforts

7. Section VII of this annual report shall include the results of all dispute resolution efforts under Stipulation XIII.
8. Section VIII of this report will provide summary data about public access from the Access Plan.

B. SHPO Review

Within 30 days after the semi-annual reports are issued, DoD will meet with each SHPO to discuss the semi-annual reports, PA implementation, and any adjustments that may be needed. At the meeting with Guam SHPO, DoD will also make available a summary of GHPI site numbers and locations associated with activities during the reporting period.

C. Annual Workshops

DoD will conduct annual workshops on Guam and the CNMI to review the documentation and projects that have been conducted during the year and to allow Signatories, Invited Signatories, Concurring Parties, and additional Parties (as identified) to discuss how well the PA is working. DoD shall document these discussions in minutes distributed to the parties, and shall take these discussions into account as appropriate. Parties will be provided opportunities to participate in this meeting via conference call, video teleconference (VTC), or in person. DoD will not be responsible for funding the attendance costs of any non-DoD participants.

XIII. RESOLVING OBJECTIONS

- A. Should a Signatory object to actions carried out or proposed with respect to the implementation of this PA not subject to prior resolution efforts under Stipulations IV, V, and VI, the objecting party shall provide all other Signatories, Invited Signatories, and Concurring Parties with written documentation of the objection. The parties will consult, as appropriate, for up to 45 days to resolve the objection.
  1. If agreement is reached, DoD will summarize the resolution and provide the information to the Signatories, Invited Signatories, and Concurring Parties.
  2. If agreement is not reached, DoD will refer the matter to ACHP consistent with subpart B of this Stipulation.
- B. Objections referred through processes defined under Stipulations IV, V, and VI, or those not resolved through discussions among the parties within the 45-day dispute resolution process defined under subpart A above, shall be addressed as follows.

1. Exceptions

If the dispute involves the National Register eligibility of a property, DoD may elect to submit the matter to the Keeper of the National Register, consistent with 36 CFR §60.9.

2. Continuing Actions

- a. DoD may provide the parties to the PA with information regarding actions DoD believes could continue without interfering with the dispute resolution process.
- b. Within 15 days of receiving DoD's plan for continuing action, the ACHP will provide comments on DoD's plan.
- c. DoD will take ACHP comments into account, notify the parties to the dispute of DoD's decision on possible continuing actions, and proceed accordingly.

3. Resolution Process

- a. DoD shall forward relevant documentation to the ACHP with DoD's proposed resolution.
- b. Within 30 days of receiving DoD's proposed resolution, the ACHP shall:
  - i. Concur with the DoD's proposed resolution; or
  - ii. Provide the DoD with recommendations on the proposed resolution.
- c. Within 30 days of receiving comments from the ACHP, DoD shall:
  - i. Take into account ACHP's recommendations in making a final decision on the matter; and
  - ii. Provide written documentation of DoD's decision to the Signatories, Invited Signatories, Concurring Parties, and the public; and proceed consistent with its decision.
- d. If the ACHP has not responded within 30 days, DoD shall provide written documentation of DoD's decision to the Signatories, Invited Signatories, Concurring Parties, and the public and proceed with its decision.

#### XIV. AMENDMENT

- A. Any of the Signatories may propose amendments to this PA as outlined in Items B and C of this stipulation.
- B. Written notice must be sent to all Signatories by the Signatory proposing to amend the PA. The request will include the proposed amendment(s) with justification. The Signatories involved shall then consult to consider the proposed amendment.
- C. Amendments must be approved by all Signatories prior to adoption and shall take effect upon signature by all Signatories.

#### XV. TERMINATION

- A. Any of the Signatories may propose to terminate this PA.
- B. Termination with an individual SHPO shall only terminate the application of the programmatic agreement within the jurisdiction of the SHPO electing to terminate.
- C. The termination process starts when a Signatory provides written notice the other Signatories, Invited Signatories, and Concurring Parties of its intent to terminate. Termination shall take effect no less than 30 days after this notification. The notice must explain in detail the reasons for the proposed termination. The PA will be terminated at the end of the 30-day period unless the parties agree to longer period of consultation.
- D. If the PA is terminated, DoD will notify all parties to the PA of its plan for complying with Section 106 for the remainder of the Undertaking and request the ACHP to comment within 45 days.
- E. DoD will take into account comments provided by the ACHP within 45 days, prior to making a final decision on how to comply with Section 106 for the remainder of the Undertaking in the absence of a PA.

#### XVI. ANTI-DEFICIENCY ACT

- A. The Anti-Deficiency Act, 31 U.S.C. §1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirement for obligation of funds arising from the terms of this agreement shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation or expenditure of funds in violation of the Anti-Deficiency Act.

- B. If compliance with the Anti-Deficiency Act alters or impairs DoD's ability to implement the stipulations of this PA, DoD shall conduct supplementary consultation under the PA with the Signatories, Invited Signatories, and Concurring Parties. If an amendment is necessary, then Stipulation XIV shall be followed.

## XVII. DURATION

This PA shall become effective upon execution by all Signatories and shall remain in effect until all projects associated with the Undertaking are completed or within 20 years from the date of execution (whichever occurs first), unless the PA is terminated prior to that in accordance with Stipulation XV.

EXECUTION AND IMPLEMENTATION of this Programmatic Agreement satisfies DoD Section 106 responsibilities for the Undertaking, affords the ACHP a reasonable opportunity to comment, and takes into account the effects to historic properties on Guam and Tinian.

This Programmatic Agreement may be executed in counterparts, each of which shall constitute an original, and all of which shall constitute one and the same agreement.

Each of the undersigned certifies that they are authorized to bind the party they represent for purposes of entering into this agreement, consistent with their roles as defined under Stipulation I.C of this PA.

## LIST OF SIGNATORIES

For the Department of Defense, Joint Region Marianas, United States Navy  
Rear Admiral Paul J. Bushong

For the United States Marine Corps  
Brigadier General John J. Broadmeadow

For the Advisory Council on Historic Preservation  
John M. Fowler, Executive Director

For the Guam State Historic Preservation Office  
Lynda Bordallo Aguon, State Historic Preservation Officer

For the Commonwealth of the Northern Mariana Islands State Historic Preservation Office  
Melvyn L.O. Faisao, State Historic Preservation Officer

**SIGNATORY**

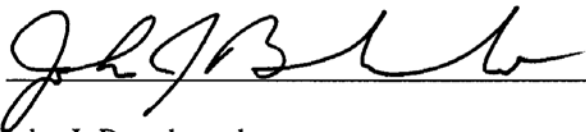
FOR THE DEPARTMENT OF DEFENSE REPRESENTATIVE  
JOINT REGION MARIANAS/UNITED STATES NAVY

By: Paul J. Bushong Date: 09 March 2011

Paul J. Bushong  
Rear Admiral, US Navy  
Department of Defense Representative Guam, Commonwealth of the Northern Mariana  
Islands, Federated States of Micronesia and Republic of Palau;  
Commander, Joint Region Marianas

**SIGNATORY**

FOR THE UNITED STATES MARINE CORPS

By:  Date: 10 Mar 11

John J. Broadmeadow  
Brigadier General, United States Marine Corps  
Deputy Commanding General, Marine Corps Forces Pacific

**SIGNATORY**

FOR THE ADVISORY COUNCIL ON HISTORIC PRESERVATION


By: John M. Fowler Date: 3/14/11

John M. Fowler  
Executive Director



**SIGNATORY**

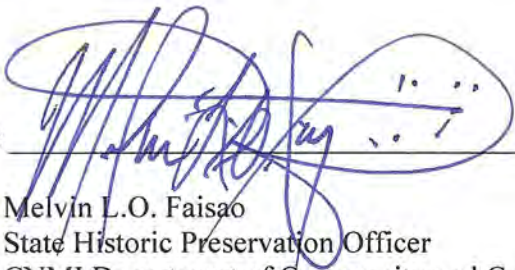
FOR THE GUAM STATE HISTORIC PRESERVATION OFFICE

By:  \_\_\_\_\_ Date: 3/9/11

Lynda Bordallo Aguon  
State Historic Preservation Officer  
Guam Department of Parks and Recreation

**SIGNATORY**


FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS HISTORIC  
PRESERVATION OFFICE

By:  \_\_\_\_\_ Date: 03/11/2011

Melvin L.O. Faisao  
State Historic Preservation Officer  
CNMI Department of Community and Cultural Affairs

**INVITED SIGNATORY**

FOR THE UNITED STATES ARMY

By:  Date: 06/21/2011

Jeffery L. Underhill  
Brigadier General, United States Army  
Commanding General, 94th Army Air & Missile Defense Command  
United States Army Pacific

**INVITED SIGNATORY**


FOR THE UNITED STATES AIR FORCE

By: \_\_\_\_\_ Date: \_\_\_\_\_

John W. Doucette  
Brigadier General, United States Air Force  
USAF Commander, 36th Wing

**INVITED SIGNATORY**

FOR THE NATIONAL PARK SERVICE

By:  Date: 3/17/2011

Christine S. Lehnertz  
Regional Director, Pacific West Region  
National Park Service

**INVITED SIGNATORY**

FOR THE DEPARTMENT OF TRANSPORTION

By:  Date: 3.15.11

For Abraham Wong

Division Administrator

Federal Highway Administration, Hawaii Division

Assistant Division Administrator  
FHWA-HI Division office

**CONCURRING PARTY**

FOR THE CHAMORRO TRIBE

By: \_\_\_\_\_ Date: \_\_\_\_\_

Frank J. Schacher, Tribal Chairman

**CONCURRING PARTY**

FOR THE DEPARTMENT OF CHAMORRO AFFAIRS

By: Joseph Cameron Date: 8/25/11

Joseph Cameron  
President



**CONCURRING PARTY**

FOR FUETSAN FAMALAO'AN

By: \_\_\_\_\_ Date: \_\_\_\_\_

Therese Terlaje

**CONCURRING PARTY**

FOR THE GUAM BOONIE STOMPERS

By: \_\_\_\_\_ Date: \_\_\_\_\_

Ed Feeley  
Vice-President

**CONCURRING PARTY**

FOR THE GUAM LEGISLATURE

By: \_\_\_\_\_ Date: \_\_\_\_\_

Hon. Judith T. Won Pat  
Speaker, 31st Guam Legislature

**CONCURRING PARTY**

FOR THE GUAM MUSEUM

By: \_\_\_\_\_ Date: \_\_\_\_\_

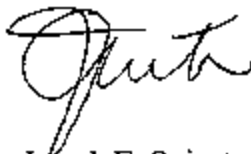
Anthony Ramirez  
Museum Curator

Programmatic Agreement for Military Relocation to  
Guam and the Commonwealth of the Northern Mariana Islands

**CONCURRING PARTY**

FOR THE GUAM PRESERVATION TRUST

By:



Joseph E. Quinata  
Chief Program Officer

\_\_\_\_\_ Date:

8-15-14

**CONCURRING PARTY**

INTERESTED INDIVIDUAL

By: \_\_\_\_\_ Date: \_\_\_\_\_

Thomas King, Ph.D.

**CONCURRING PARTY**

FOR NASION CHAMORU

By: \_\_\_\_\_ Date: \_\_\_\_\_

Danny "Pagat" Jackson  
Maga'Lahi

**CONCURRING PARTY**

FOR THE NATIONAL TRUST FOR HISTORIC PRESERVATION

By: \_\_\_\_\_ Date: \_\_\_\_\_

Anthea Hartig, Ph.D.  
Director, Western Office



**CONCURRING PARTY**

FOR THE NORTHERN MARIANA ISLANDS MUSEUM OF HISTORY AND CULTURE

By: \_\_\_\_\_ Date: \_\_\_\_\_

Scott Russell  
Acting Chair, Board of Governors

**CONCURRING PARTY**

FOR TAOTAOMONA NATIVE RIGHTS

By: \_\_\_\_\_ Date: \_\_\_\_\_

Trini Torres  
Pilong Maga'Haga

**CONCURRING PARTY**

FOR THE TASK FORCE ON FREE ASSOCIATION

By: \_\_\_\_\_ Date: \_\_\_\_\_

Jose Ulloa Garrido,  
Chairman

**CONCURRING PARTY**

FOR TINIAN

By: \_\_\_\_\_ Date: \_\_\_\_\_

Ramon M. Dela Cruz  
Mayor, Tinian

**CONCURRING PARTY**

FOR WE ARE GUAHAN

By: \_\_\_\_\_ Date: \_\_\_\_\_

Leevin Camacho  
Vice President

## **LIST OF APPENDICES**

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Appendix C - Glossary and Acronyms

Appendix D - Summary of Identification and Evaluation Efforts, including information on identified Archaeological Sites

Appendix E - List of Projects included in the Undertaking

Appendix F - ACHP's Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites

Appendix G - Standard Operating Procedures